

Parliamentary Register

O R

H I S T O R Y

O F T H E

P R O C E E D I N G S A N D D E B A T E S

O F T H E

H O U S E O F C O M M O N S ;

C O N T A I N I N G A N A C C O U N T O F

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D U R I N G T H E

F I F T H S E S S I O N o f t h e S I X T E E N T H P A R L I A M E N T

O F

G R E A T B R I T A I N .

V O L . X X I V .

L O N D O N :

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M.DCC.LXXXVIII.

H.
Hitting, Mr. particulars concern-
ing his trial — 58, 64
Hay, motion for a bill to pre-
vent the exportation of 57
Hay

I N D E X.

	Page		Page
Hay bill, the House in Committee on that bill	112	moves for leave to bring in a bill concerning it	7
— read a second time	115	— Debates on the second reading of that bill	37
I.			
Impey, Sir Elijah, proceedings on the charges against him	19	P.	
Interlude regulating bill, Mr. Sheridan's speech thereon	116	Parish officers, debates on the report of the Committee appointed to examine the returns of	73
K.		Petition presented by Mr. Smith from the East-India Company	8
King's Speech at the close of the session	125	— Mr. Pitt moves for its being taken into consideration	16
L.			
Liverpool, petition from the inhabitants of the town and port of,	9	Scotland, petitions from the dissenting boroughs of, read to the House	98
— Petition of the merchants of, against the African trade bill	25	Somerset Place, debates on the expenses attending the buildings erecting there	35
M.		T.	
Managers of the trial of Mr. Hastings, a demand made upon their account by Major Gilpin, &c.	96	Trials for controverted elections, the House in Committee for regulating them	8
N.			
Newburgh, Lord, his petition referred to a Committee of the whole House	41	W.	
— That business farther considered	44	Weights and measures, motion to bring them all to one standard	117
Newfoundland fishery, Mr. Pitt		West Florida, the House agree to make the inhabitants of, a full compensation for their losses	64
		Window tax, average amount of it for a certain period	16

L I S T

O F

S T A T E P A P E R S,

LAID BEFORE THE HONOURABLE

H O U S E O F C O M M O N S.

ESTIMATE of the Debt of his Majesty's Navy, on certain Heads, as it stood December 31, 1787	126
Estimate of the Charge of what may be necessary for the Buildings, Re-buildings, and Repairs of Ships of War, in his Majesty's and the Merchants' Yards, and other extra Works, over and above what are proposed to be done upon the Heads of Wear and Tear, and Ordinary, for the Year 1788	128
Abstract of the ordinary Estimate of the Navy for the Year 1788	135
Account of the total neat Produce, paid into the Exchequer, of the Duties of Excise, the Duties on which shall have amounted to 1000l. or more, between the 5th of January, 1787, and the 5th of January, 1788	136
Account of the total Sums paid into the Exchequer, between the 5th of January, 1787, and the 5th of January, 1788, on Account of the Stamp Duties, distinguishing the Sums paid on each Tax	137
Account of the neat Produce of the Duties of Customs, Excise, Stamps, and Incidents, between the 5th of April, 1786, and the 5th of April, 1787, and between the 5th of April, 1787, and the 5th of April, 1788	138
Account of the total Produce of the Duties and Customs, distinguishing, as far as possible, the gross and neat Produce on every separate Article, the Duty of which has amounted to 1000l. or more, in the four Quarters preceding January 5, 1788	139
Account of the total Sums paid into the Exchequer, between the 5th of April, 1787, and the 5th of April, 1788, on Account of the Duty on Stamps, distinguishing the Sums paid on each Tax	142
Account of the total neat Produce, paid into the Exchequer, of the Duties of Excise, the Duties on which shall have amounted to 1000l. or more, between the 5th of April, 1787, and the 5th of April, 1788	143
Account of the total Sums arising from the Duties on inhabited Houses, under an Act of the 24th of his present Majesty, which have been paid over by the Persons appointed to receive the same, between the 5th of January, 1787, and the 5th of January, 1788	144
Estimate	

I N D E X.

	Page
Estimate of the Charge of defraying the Civil Establishment of the Province of New Brunswick, in America, for one Year	151
Account of the neat Produce of all the Taxes for two Years	152
Estimate of the gross Receipt, Payments, and neat Produce of the Revenue of Customs in England, for two Years	153
Account of the total Produce of the Duties of Customs, distinguishing, as far as possible, the gross and neat Produce on every separate Article, for one Year	154
Account of the Quantities of Opium, Coffee, and Cocoa, imported into the several Parts of Great Britain from the British Sugar Colonies, for one Year	157
Account of the Value and Amount of Goods, being foreign Produce and Manufacture, entered for Exportation to the British Sugar Colonies, for one Year	158
Account of the Number of Ships and other Vessels cleared outwards from the different Ports of South Britain, for the West Indies, and the Number of Ships and other Vessels, with their Tonnage, entered inwards, from the same Colonies, for one Year	162
Account of the Number of Ship and other Vessels, entered inwards, and cleared outwards, in the British Sugar Colonies, to and from the several Ports in the British Colonies in North America and the United States, for one Year	163
Account of the Number of Ships and other Vessels cleared outwards from the different Ports of this Part of Great Britain called Scotland, and the Number of Ships and other Vessels, with their Tonnage, entered inwards, from the same Colonies, for one Year	164
Account of the Imports and Exports of Summers and from Scotland, for one Year, with the Duties and Tonnage, as well as the Drawbacks paid thereon	165
Account of the Value of the Imports and Exports in seven Years	166
Account of the Imports and Exports of Goods and Sugar into and from Great Britain for seven Years, with the Duties and Tonnage, as well as Drawbacks paid thereon	167
Account of the Imports and Exports of Goods into and from Great Britain, for one Year, with the Duties and Tonnage, as well as the Drawbacks paid thereon	168
Account of the Quantities of Sugar, Opium, Coffee, &c. imported into the several Parts of Great Britain from the British Sugar Colonies, for one Year, with Duties of Customs	169
Account of the Value and Amount of Goods, being British Produce and Manufacture, for Exportation to the British Sugar Colonies, from the several Ports in Great Britain, for one Year	171
Account of Oil, Whales, and Seal Skins, distinguishing each, which were imported from the Southern Whale Fishery to England and Scotland, distinguishing the Imports to each, for three Years	175
Abstract of the Number of Ships, with their Tonnage, which sailed from London to Greenland, and Dover-Straits Fisheries, in the Year 1785	176
Account of the average Amount of the Window Tax for three Years preceding 1784	177
Account of the actual Receipt of the Window Tax, under the Commutation Act, for a certain Time, with the Arrears and Denial	178
Account of the several Sums which have been issued to Sir William Chambers, in each Year, for the Buildings at Somerset Place	179

I. N D E X.

	Page
Accounts of the different Quantities and Sorts of Teas in the East-India Company's Warehouse, imported and expected home	182
Account of the Quantity and Sorts of the Tea sold by the East-India Company, after the Commencement of the Commutation Act	183
Account of the Average Quantity of Tea imported by the East-India Company, for ten Years, and the Amount annually paid for the same in China	184
Account of the Sales of the Goods from China, for one Year, and the Amount of Customs, Freights, and Charges of Merchandize, paid or to be paid therout	185
Account of the Cost, as per invoice, in China, of the Cargoes laden on the East-India Company's Account in one Season	186
Account of the Balance of Cash, which remained in the Treasury of the East-India Company, on the 1st Day of March, 1787, and of their Receipts and Payments in England for one Year	187
Account of the gross Revenue from Tea, and the neat Revenue after Drawbacks, paid for five Years, previous to the Commutation Act	190
Account of the Amount of the Silver sent from England to China, in the East-India Company's Ships, on Account of the Company, &c.	191
Account of the Sale of Goods from the East-Indies, for one Year, and the Amount of Customs, Freight, and Charges of Merchandize, paid or to be paid therout	192
Account of the Debts of the East-India Company in England, exclusive of Indian Debt, as they stood in 1787 and 1788, and as they will probably stand in 1789	193
Account of the annual Amount of Tea, brought by the foreign Companies of Europe from China, for ten Years	195
Abstract of the Estimate of the probable Resources and Disbursements of the Bombay Government, for a certain Time	196
Account of the annual Revenue of the East-India Company, in the Provinces of Bengal, Bihar, and Orissa, and from Benares and Oude, under various Heads, for three Years	200
Account of the annual Charges defrayed by the East-India Company, in the Provinces of Bengal, Bihar, and Orissa, and in Benares and Oude, under various Heads, of Civil, Military, and Marine, for three Years	201
Account of the annual Revenue of the East-India Company, at the Presidency of Bombay, and the Settlements subordinate thereto, under different Heads, for three Years	202
Account of the Number and Tonnage of the Ships laden in China, for the East-India Company, in one Season	203
Account of the Amount received at the several Presidencies of Fort William, Fort St. George, and Bombay, for Sales of Import Goods and Stores, &c. for three Years	204
Account of the Bond and other Debts of the East-India Company, at their respective Residencies and Settlements abroad	205
Annual Interest on the Bond Debts	207
Comparison of the estimated and actual Amount of the Revenues of the East-India Company, in the Provinces of Bengal, Bahar, and Orissa, and from Benares and Oude, under various Heads, for one Year	208
Account of the Annual Revenues of the East-India Company, at the Presidency of Fort Saint George, and the Settlements subordinate thereto,	thereto,

	Pag
thereto, and in the Carnatic and Northern Circars, under various Heads, for three Years — — — — —	210
Account of the Annual Charges defrayed by the East-India Company at their Presidency of Fort St. George, and the Settlements subordinate thereto, and in the Carnatic and Northern Circars, under various Heads, for three Years — — — — —	211
Account of the Expences of the Island of St. Helena, and the Factory of Canton, for three years — — — — —	212
Account of the Expences of the Residency of Fort Marlborough and its Dependencies, for three Years — — — — —	213
Abstract of the Estimate of the probable Resources of the Bengal Government, for a certain Time — — — — —	214
Abstract of the Estimate of the probable Disbursements of the Bengal Government, for a certain Time — — — — —	215
Abstract of the Estimate of the probable Resources of the Madras Government, for a certain Time — — — — —	224
Abstract of the Estimate of the probable Disbursements of the Madras Government, for a certain Time — — — — —	225
Account of the Annual Charges defrayed by the East-India Company, for the Management of their Trade and Commerce in Bengal, Madras, and Bombay, so far as the same can be distinguished from the Civil or other Charges of those Presidencies respectively, for three Years — — — — —	226
General Abstract of the Estimates of the probable Resources of the Presidencies of Fort William, Fort Saint George, and Bombay, for a certain Time — — — — —	230
General Abstract of the Estimates of the probable Disbursements of the Presidencies of Fort William, Fort St. George, and Bombay, for a certain Time — — — — —	231

I N D E X

T O T H E

S P E A K E R S ' N A M E S

I N T H E

H O U S E O F C O M M O N S.

V O L U M E X X I V .

A.

ANSTRUTHER, Mr. 20, 23,
 93, 95.
 Affley, Sir E. 36, 54.
 Attorney, Gen. 15, 19, 23.

56, 68, 77, 82, 83, 88, 89, 102,
 103, 120.
 Drake, Mr. 14, 67, 115, 116.
 Dundas, Mr. 3, 35, 36, 69, 87, 94,
 95.

B.

Bastard, Mr. 37.
 Bearcroft, Mr. 97, 100, 101.
 Beautoy, Mr. 16, 103.
 Belgrave, Lord, 74, 75, 110.
 Bouverie, Mr. 69, 77, 80.
 Brickdale, Mr. 15, 84.
 Burges, Mr. 39, 64.
 Burke, Mr. 20, 23, 25, 55, 65, 69,
 81, 97, 98, 99.
 Burrell, Sir P. 74, 77, 78, 115.

Elliott, Sir G. 19.
 Elphinstone, Mr. 73, 74.
 Erskine, Sir J. 96.

E.

F.

Fox, Mr. 31, 35, 38, 41, 43, 47, 48,
 58, 60, 61, 63, 67, 68.

G.

Gamon, Mr. 120, 122, 124.
 Gascoyne, Mr. 9, 10, 34, 43, 78, 82,
 86, 88, 90, 91, 102, 103, 121,
 122, 124.
 Gilbert, Mr. 73.
 Grenville, Mr. 20.

C.

Campbell, Lord F. 1.
 Coke, Mr. 57, 60.
 Cooper, Sir G. 1, 7, 8, 17, 19, 38,
 80.
 Cornwall, Sir G. 62, 91, 102.
 Cunynghame, Sir W. 112.

H.

Hopkins, Mr. 37.
 Hufley, Mr. 7, 16, 17, 18, 37, 40,
 41, 55, 62, 73.

D.

Dolben, Sir W. 10, 25, 34, 43, 44,

V I C T O R I A

I.

Johnstone, Sir J. 41, 46, 56, 75, 93,
116.
Jolliffe, Mr. 46, 49.

M.

Maekworth, Sir H. 41, 42, 45.
Martin, Mr. 28, 36, 85, 90, 112, 119.
Mawbey, Sir J. 73, 74, 87, 88, 96.
Middleton, Sir C. 16, 82, 85.
Miller, Sir J. 35, 36, 40, 117, 119.
Montague, Mr. 75.

N.

Newnham, Mr. 45, 74, 75.

O.

Orde, Mr. 73, 119.

P.

Penrhyn, Lord, 13, 25, 28, 42, 54,
88, 89, 90, 103.
Pitt, Chancellor, 7, 8, 16, 17, 18, 19,
22, 24, 30, 34, 35, 36, 37, 38, 39,
40, 41, 42, 43, 44, 47, 50, 57, 59,
60, 61, 62, 63, 64, 68, 79, 83, 84,
86, 91, 96, 97, 102, 111, 119, 120,
122.
Pye, Mr. 115. *

R.

Ridley, Sir M. W. 60, 62, 69.
Rose, Mr. 15, 42.

S.

Sawbridge, Mr. 87, 88, 114.
Scott, Major, 96, 98, 99.
Sheridan, Mr. 39, 91, 94, 96, 97, 98,
116.
Smith, Mr. 6, 11, 13, 17, 19, 22, 86,
110, 112, 115.
Solicitor Gen. 69.
Speaker, the, 75, 76, 77.
Steele, Mr. 120.

T.

Taylor, Mr. M. A. 46, 57, 69.
Townshend, Mr. 116.

U.

Vynar, Mr. 75.

W.

Westote, Lord, 51, 58.
Whitbread, Mr. 50.
Wilmot, Mr. 62.
Wyndham, Mr. 63.

Y.

Young, Mr. 12, 103, 105.

K.	Page
King's speech to both Houses on the opening of the session	236
— on the close of the session	386

Kinnaird, Lord, presents a petition against the election of Lord Cathcart	263
---	-----

M.

Mutiny bill, debates thereon	292
------------------------------	-----

O.

Oxford gaol, Earl of Abingdon presents a petition in favour of the debtors confined there	345
---	-----

P.

Petition from the Proprietors of the East-India Company, presented by the Duke of Norfolk	295
— in behalf of the Earl of Dumfries	263

R.

Rawdon, Lord, introduces his	
------------------------------	--

	Page
promised motion relative to the navy	168

S.

Scotch Distillery bill, the House in Committee thereon	265
— read a second time	363

Selkirk, Earl of, objects to the return of Lord Cathcart, as one of the sixteen Peers of Scotland	254
---	-----

— Farther proceedings on that business	253, 345, 349
--	---------------

Slave Trade, Duke of Richmond makes a motion concerning the vessels employed in that trade	361
--	-----

Slave trade regulation bill, the House in Committee thereon	363
— the House in Committee thereon	377

— Farther proceedings on that business	380
--	-----

Spanish armament, Lord Stormont requests information from the Ministry concerning it	315
--	-----

Y.

York, Duke of, takes his seat in the House	235
--	-----

I N D E X

TO THE

S P E A K E R S ' N A M E S

I N T H E

H O U S E O F L O R D S.

V O L U M E XXIV.

A.

A BINGDON, Earl, 317, 345,
356.

B.

Bathurst, Earl, 361, 378, 379, 380,
384, 385.
Bulkeley, Viscount, 241.

C.

Camden, Earl, 320.
Carlisle, Earl, 289, 294, 298, 320,
341, 369, 373.
Carmuthen, Marquis, 248, 353.
Cathcart, Lord, 258, 294, 295, 347,
371.
Chancellor, Lord, 249, 251, 253,
254, 268, 279, 280, 289, 299, 300,
310, 311, 313, 314, 36, 46, 347,
349, 351, 352, 367, 369, 375, 376,
378, 380, 383, 384.
Chandos, Duke, 362, 371, 373, 377.
Coventry, Earl, 319.

D.

Darby, Earl, 288.

F.

Fitzwilliam, Earl, 299, 314, 353.
Fortescue, Lord, 329.

G.

Giantly, Lord, 288, 289, 317.

H.

Harrington, Earl, 238.
Hawke, Lord, 272, 329.
Hawkebury, Lord, 262, 265, 297,
312, 319, 363, 366.
Heathfield, Lord, 364.
Hopetoun, Earl, 267, 299, 317, 362,
370, 374.
Howe, Viscount, 268, 278, 304, 305.

K.

King, Earl, 249.
Kinnaird, Lord, 348, 349, 362, 363.
Lambdown,

I N D E X.

L.

Lansdown, Marq. 305, 337, 341.
 Landaff, Bishop of, 242.
 London, Bishop of, 372.
 Loughborough, Lord, 259, 262, 284,
 289, 299, 310, 311, 312, 315, 318,
 319, 320, 330, 346, 378.

M.

Manchester, Duke, 293, 295.

N.

Norfolk, Duke of, 249, 263, 289,
 295, 300, 346, 350, 351.

O.

Onslow, Lord, 329.
 Osborne, Lord, 315.

P.

Portchester, Lord, 293, 297, 314, 318.

R.

Radnor, Earl, 350.

Rawdon, Lord, 253, 268, 276, 278,
 294, 302, 350, 355.
 Richmond, Duke, 285, 292, 294,
 303, 340, 360, 361, 362, 365, 375,
 376, 380, 382, 384.
 Rodney, Lord, 364, 374.

S.

Sandwich, Earl, 272, 277, 305, 352,
 353, 370, 375, 385.
 Selkirk, Earl, 251, 257, 253.
 Stafford, Marq. 259.
 Stanhope, Earl, 261, 279, 284, 318,
 345, 351, 362, 367, 376, 378, 385.
 Stormont Viscount, 245, 257, 261, 266,
 280, 287, 298, 300, 304, 314,
 315, 321, 341.
 Sydney, Lord, 298, 299, 320, 340,
 372.

T.

Tankerville, Earl, 302.
 Townshend, Marq. 377, 374.

W.

Wallingham, Lord, 300, 320.



THE
HISTORY
OF THE
PROCEEDINGS AND DEBATES
OF THE
HOUSE of COMMONS

In the FIFTH SESSION of the
Sixteenth Parliament of GREAT BRITAIN,

Appointed to be holden at WESTMINSTER

On TUESDAY the 18th of MAY, 1784.

Monday, 26th May, 1786.



LORD *Frederick Campbell* (according to order) reported from the Committee of the whole House, to whom it was referred to consider of the several accounts and papers which were presented to the House upon the 16th day of this instant May, by Mr. Morton (from the Directors of the East India Company) the resolutions which the Committee had directed him to report to the House; which he read in his place, and afterwards delivered in at the table; and the same being read,

Sir *Grey Cooper* immediately rose, and expressed his wishes that the House would favour him with their attention, whilst he made (what appeared to him) a few necessary remarks upon part of the statement laid before the House by the right honourable gentleman on the preceding Friday, and particularly upon the accounts or estimates of the annual revenues and charges of the province of Bengal, for three years, according to the latest advices. By that account, upon which the right honourable gentleman dwelt so long, it appears, first, that the estimate of the total revenues of that province is less in 1787-8 than in the year 1784-5, by the sum of 260,000*l.* secondly, that the amount

of the total of the charges is reduced from 4,310,000*l.* in 1784, to 3,060,000*l.* in 1787-8. And the right honourable gentleman stated, that after all deductions, the clear available surplus in India, applicable to payment of debt and investment, amounts to 1,535,000*l.* The savings, therefore, by the reduction of civil and military charges constitute almost the whole of that surplus. They amount, as it appears above, to 1,250,000*l.* and, therefore, it seemed somewhat singular that the right honourable gentleman had, in the course of his long and eloquent opening, made so slight and so cursory a mention of this most important branch of the account. He had been given to understand, that an honourable person now in England, had acquired considerable merit during the time he held the office of Governor General, in originating and forming the plan of œconomy, and the retrenchment of expence in the civil and military charges, including contracts, contingencies, buildings and fortifications, and in all the other charges, as far as the reduction could be made with safety, propriety, and justice; and that he had anticipated the orders which he received afterwards from the Board of Control, for making such reductions. He admitted, that peace was the principal cause of such savings and reductions, but that Sir John Macpherson had followed up that cause, and put the plan into motion and operation, and carried it forward, as he had been given to understand, with judgement, temper, firmness and effect: and it must be admitted, that the beginning of reform, and the reduction of establishments, and particularly the defalcation of salaries and perquisites, are not amongst the most pleasing or popular exercises of power.

He declared, that he did not make these observations on the silence of the right honourable gentleman, with any party view or consideration whatsoever, and he had too good an opinion of the liberality of the sentiments of the right honourable gentleman, and of his regard to justice, to believe that he would withhold any portion of praise or approbation which might be thought due to that honourable Governor for his public conduct in this or any other respect, because it happened that he went out to India by the recommendation and under the auspices of the Administration in 1781. He declared, that what he had observed upon this occasion, was without any concert with the honourable person to whose conduct he alluded, and without his knowledge. He begged to say a few words on another part of the right honourable gentleman's speech on the preceding Friday. That gentleman had congratulated the Committee, and the Nation, that the affairs of India were getting rapidly into a better situation than could have been estimated or expected

A. 1788.

D E B A T E S.

pected even in the last year. Sir Grey Cooper declared that he saw no traces of a rapid progress. During the course of the last year, the debt had been reduced by the payment of the sum of 15 lacks, or 150,000*l.* and no more. The operation which was mentioned, and taken credit for, of the employment of a million of the Bengal revenue in commuting bonds and certificates outstanding in Madras and Bombay, for debts of the like nature to be demandable in Bengal, was not clearly stated, and the result of it was not yet before the House. But, upon the whole, he trusted more to the characters of the men who now administer the affairs of India, for the prosperity and happiness of those provinces, than to any accounts or estimates, or to any of the most able or eloquent explanations of those estimates of the present or probable future state of India. There was, by some fatality in that climate, a constant and invariable tendency to relapse into the old habits of speculation and profusion; and it would, in his opinion, require all the virtues and all the talents of Lord Cornwallis, all his inflexible integrity, and all the energy of his resolution, to give permanency and duration to the system which he was now pursuing with so much honour to himself, and so much advantage to the provinces, that had the good fortune to be under his command.

Mr. Dundas affirmed that no man was more willing than ~~Mr. Dundas~~ himself, to admit the merits of Sir John Macpherson, while he held the government of Bengal, and, therefore, he begged, that his not having expressly taking notice of that gentleman, in what he had occasion to state to the House on the preceding Friday, might not be interpreted into any unwillingness on his part to do Sir John Macpherson every possible justice, or a desire to have it understood, that Sir John did not deserve commendation. He had not mentioned that gentleman, because the nature of his duty on Friday did not make any such mention necessary, nor could he have done it without going more into matter not immediately connected with the facts it was his business to state, than he felt it right for him to go, because in that case he must not only have mentioned the merits of some, but the demerits of others. He had therefore thought it more wise to avoid any such allusion altogether. Sir John Macpherson well knew his sentiments respecting him, and that there was not a single dispatch sent out to him, while in India, that did not convey him approbation and thanks for the firmness, integrity, and wisdom of his conduct in many instances, (perhaps in some of the most odious exertions of power; in the reduction of salaries, and other unwelcome duties.) What he had said often in private, he had not the smallest objec-

tion to declare in public, and to affirm in the face of that House, that the conduct of Sir John Macpherson, while Governor General of India, had been highly meritorious.

Major Scott explained the facts relative to the Bengal debt being increased.

The resolutions were read and agreed to as follow :

Resolved,

That it appears that the sum total of debts owing by the East-India Company, in their different settlements in the East Indies, exclusive of the sums for which bills have been granted, payable on the Court of Directors at home, in pursuance of their orders of the 15th day of September, 1785, amounted, according to the latest accounts received in England, to the sum of seven crore, sixty-two lacks, twenty-one thousand and five hundred and sixty three current rupees.

Resolved,

That it appears, that the sum total of the said debts, bearing interest, amounted to the sum of six crore, forty-one lacks, and nine thousand nine hundred current rupees.

Resolved,

That it appears, that the annual amount of interest payable on the said debts in India, was fifty three lacks, fifty three thousand three hundred and forty-one current rupees.

Resolved,

That it appears, that the annual revenues of the East-India Company in the provinces of Bengal, Bahar, and Orissa, and from Benares and Oude under the heads of mint or coinage duties, post office collections, Benares revenue, Oude subsidy, land revenues, customs, and the receipts from the sales of salt and opium, amounted, on the average of three years, from 1783 to 1785, to the sum of five crore, twenty-one lacks, eighty eight thousand one hundred and forty six current rupees.

Resolved,

That it appears, that the annual revenues of the East-India Company, in the provinces of Bengal, Bahar, and Orissa, and from Benares and Oude, under the same heads, for the year 1787, are estimated by the Governor General and Council of Bengal to amount to the sum of five crore, six lacks, forty-eight thousand nine hundred and six current rupees.

Resolved,

That it appears, that the annual charges, to be defrayed by the East-India Company in the provinces of Bengal, Bahar, and Orissa, and in Benares, and Oude, under the heads of civil, military, and marine, the charges of collect-

ing the revenues and customs, and the advances and charges on account of salt and opium, for the year 1787, are estimated, by the Governor General and Council of Bengal, to amount to three crore, six lacks, sixty-two thousand four hundred and one current rupees.

Resolved,

That it appears, that the annual revenues of the East-India Company, in the provinces of Bengal, Bahar, and Orissa, and from Benares and Oude, under the heads of mint or coinage duties, post-office collections, Benares revenue, Oude subsidy, land revenue, customs, and the receipts from the sales of salt and opium, which were estimated, for the year 1787, to amount in the whole to three crore, eighty-five lacks, one thousand eight hundred and fifty-eight current rupees, amounted, in the whole for the said year, to three crore, ninety-nine lacks, nineteen thousand, seven hundred and ten current rupees.

Resolved,

That it appears, that the charges defrayed by the said Company in the said provinces, and in Benares and Oude, under the respective heads of civil, military, and marine, the charges of buildings and fortifications, of collecting the revenues and customs, and the advances and charges on account of salt and opium, which were estimated, for the year 1787, to amount in the whole to one crore, ninety-three lacks, thirty six thousand one hundred and three current rupees, amounted in the whole for the said year, to one crore, ninety-eight lacks, eighty-nine thousand nine hundred and thirty-three current rupees.

Resolved,

That it appears, that the annual revenues of the East-India Company, at the presidency of Fort Saint George, and the settlements subordinate thereto, and in the Carnatic, and Northern Circars, under the heads of mint or coinage duties, sea or land customs, subsidy of the Nabob of Arcot, and Rajah of Tanjore, land revenues, and farms and licences, amounted, on an average of three years, from 1781 to 1787, to the sum of twenty-five lacks, seventy-six thousand eight hundred and five pagodas.

Resolved,

That it appears, that the annual revenues of the East-India Company, at the presidency of Fort Saint George, and the settlements subordinate thereto, and in the Carnatic, and Northern Circars, under the same heads, for the year 1787, is estimated, by the Governor and Council of Madras, to amount to the sum of thirty-two lacks, seventy-three thousand and forty one pagodas.

Resolved,

Resolved,

That it appears, that the annual charges, to be defrayed by the said Company, at the presidency of Fort Saint George, and in the Carnatic, and Northern Circars, under the respective heads of civil, military, buildings and fortifications, and the charges of collecting the revenues and customs for the year 1787, is estimated, by the Governor and Council at Madras, to amount to the sum of thirty-one lacks, seventy-seven thousand seven hundred and eighty-five pagodas.

Resolved,

That it appears, that the annual revenues of the East-India Company, at the presidency of Bombay, and the settlements subordinate thereto, under the heads of land revenues, customs, and farms, or licenses, for the year 1787, are estimated, by the Governor and Council of Bombay, at the sum of eleven lacks, seventy-six thousand six hundred and one Bombay rupees.

Resolved,

That it appears, that the annual charges, to be defrayed by the East-India Company, at the presidency of Bombay, and the settlements subordinate thereto, in the year 1787, are estimated, by the Governor and Council at Bombay, at thirty-six lacks, fifty-one thousand two hundred and forty-five Bombay rupees.

Resolved,

That it appears, that the annual revenues of the East-India Company, at the presidency of Fort Marlborough, and its dependencies, arising from customs, farms, and licenses, amounted, on an average of three years, from 1783 to 1786, to the sum of ten thousand one hundred and fifteen dollars.

Mr Smith.

Mr. Smith (late Deputy chairman) brought up a petition of the United Company of Merchants of England trading to the East Indies, setting forth, that the expences of the late war have unavoidably, brought a very heavy charge upon the petitioners' treasury in England, and, although large sums have been paid by the petitioners in consequence thereof since the date of the petition which they presented to this House in the year 1786, yet considerable sums still remain unpaid, some of which will become due before the 1st day of March, 1790, besides a sum agreed to be advanced to the Public (subject to certain conditions) on account of a claim for victualling His Majesty's troops in India, and for His Majesty's troops serving there, and also besides a debt incurred in China, and farther advances necessary to be made for the purposes of the China trade; and that the ordinary receipts of money by the petitioners before the 1st day of March, 1790 together with the exercise of such powers as they are

now

now invested with to raise money, will not be sufficient to answer the several demands upon them during that period; and therefore praying the House to take the premises into consideration, and to grant them such farther powers as to the House shall seem meet.

The same was read, when Sir *Grey Cooper* asked if the estimates and accounts numbered 15, 16, 17, and 18, which had been presented to the Committee on the preceding Friday and not then entered upon, were meant to be made the ground of whatever resolutions might be moved on the subject of the petition, that had just been presented?

Mr. Chancellor Pitt answered in the affirmative.

Mr. *Hussey* desired to know, if the sum the Company now wished to borrow, was over and above the sum they had last been allowed to borrow?

Mr. Chancellor Pitt said, it was.

The petition was ordered to be taken into consideration on the morrow.

Mr. Chancellor Pitt, having risen to move for leave to bring in a bill relative to that part of the Newfoundland fishery, which, by the last treaty of peace with France, was ceded to that nation, observed that he would not detain the House long, nor go into the discussion of the subject at large, but reserve a more extended investigation for a subsequent stage of the business, when the House should have the bill before them. He would only, therefore, for the present take a general view of the subject. He reminded the House of the situation in which the fisheries of Newfoundland had been placed, in respect to us and the French, by the treaty of Utrecht, and in what measure that situation was varied by the last treaty of peace. A declaration upon this subject had been since signed and exchanged by the two Courts, in which there was no strict engagement with the Court of France, that she should enjoy an exclusive right to the whole of the fishery in the places therein specified (from Cape Bona Vista to Cape St. John, and thence to Cape Raye) but only a stipulation to prevent the British subjects from molesting them. He explained his construction of these stipulations, and dwelt upon the distinction between that sort of concurrence, which molested or tended to molest, and that which did not. He said, his opinion would be for our acting under a liberal construction of that declaration in proof of our good faith, and sincere desire to preserve the full extent of the meaning of the article that referred to the fifth article of the definitive treaty. Mr. Chancellor Pitt stated the policy of England's keeping as separate as possible the fisheries of the two countries, since an intermixture might create jealousy, and make the French acquainted with our mode of curing
the

the fish, and also those particulars, that gave us so evident a superiority in that important branch of British commerce. He thought it would be right to give notice, that the stipulations of the treaty appeared to relate only to the coasts of Newfoundland, and that clearly the French had no right to the inland fishery; to that in the rivers and creeks, where, it seemed, excellent salmon fisheries abounded. They had a right, however, to fish in the mouths of the rivers for salmon. He explained the utility of uniting both the fisheries, urging the extreme disadvantage that must result from the French being confined to one species of fishery, either that of the cod, or that of the salmon; and after stating that the loss of the salmon fishery would amount to, between 5000*l.* and 6000*l.* a year, he concluded with moving for leave to bring in a bill

“To enable His Majesty to make such regulations as may be necessary for preventing the inconveniences which might arise from the competition of His Majesty’s subjects, and those of the most Christian King, in carrying on the fishery on the coasts of the island of Newfoundland.”

The same was afterwards presented, read a first time, ordered to be read a second time on the morrow, and to be printed.

Sir Grey
Cooper

Sir Grey Cooper asked, if the right honourable gentleman did not mean to lay some papers before the House, as grounds of his intended bill?

Mr. Chanc-
ellor Pitt

Mr. Chancellor Pitt answered that his mode of applying to the House, without previously laying papers before them, was by no means without precedent. In the present case, His Majesty’s Ministers were apprized that there were persons who meant to send out ships immediately under a construction of the article of the definitive treaty, and subsequent declaration, which it was highly necessary for Parliament to pronounce a false construction, and that single fact, he conceived, was a sufficient ground for his motion. He declared he meant to proceed with the bill in such a manner as to give all parties concerned, or likely to be concerned, a full opportunity of stating their objections, if any they should have to state, which he did not think very probable to be the case.

The order of the day having been moved and read for the House to go into a Committee on the bill to regulate the future trials on controverted elections, the Speaker left the chair, and Mr. Neville took his seat at the table.

The Committee then proceeded to fill up the blanks, which occasioned a great variety of conversation between Mr. Grenville, Mr. Pitt, the Attorney General, Sir Grey Cooper, Sir Allan Ferguson, Mr. Sheridan, Mr. Pulteney, Mr.

Mr. Baftard, Mr. Jolliffe, Mr. Vynet, and others. At half after eight, the Chairman was directed to report progreſs, and aſk leave to fit again.

M. *Gafcoyne* brought up a petition of the merchants, traders, and other inhabitants of the town and port of Liverpool; ſetting forth, that the African ſlave trade forms a very conſiderable part of the commerce of Liverpool, and is, as the petitioners conceive, productive of the greateſt advantages to the kingdom of Great Britain, and inſeparably connected with the very exiſtence of its Weſt Indian territories; and that many of the petitioners have embarked the whole of their fortunes in the ſaid trade, confined their commercial purſuits to the proſecution of it, and relied upon the faith of the Legiſlature for a continuance of that protection and ſupport which they have thought proper, for a great length of time, uniformly to grant; and that ſeveral others of the petitioners have expended very great ſums of money in providing convenient ſituations and buildings, chiefly for the more expeditious and advantageous equipment and outfit of veſſels for the ſaid trade, in which thouſands of His Maſteſty's uſeful and loyal ſubjects are daily employed, and many others of the petitioners, although not immediate adventurers in the African trade, are yet owners of houſes, buildings, and lands, the value of which would be diminished in a very alarming degree, if its abolition ſhould take place, it being well known that the benefits ariſing to the town of Liverpool from that trade have, principally, occaſioned this kind of property being ſtamped with its preſent immenſe and very extraordinary value; and that, by foſtering and encouraging the African ſlave trade, Parliament has animated the petitioners with ſuch a ſpirit of entreprize and perseverance as to have given them a decided preference to any other port in the kingdom for the magnitude of their dealings in it, and ſuperior accommodations of their African veſſels; and that the ſhips conſtructed for this particular trade, are remarkably expenſive, very unfit for any other, navigated by a greater proportion of ſeaman and mariners than is required upon moſt other occaſions, and are ſingularly calculated for His Maſteſty's ſervice upon caſes of emergency; and that the petitioners with aſtoniſhment obſerve, by the votes of the Houſe, that many perſons are endeavouring to obtain an abolition of the African ſlave trade, terming it contrary to the principles of humanity, and diſgraceful to the Country, yet the petitioners are willing to believe that ſuch perſons are actuated by good motives, but conceive that they have been greatly miſinformed as to the manner of carrying it on, and are not ſufficiently acquainted with its importance to the ſtate; and that the ſlave trade is neither contrary to the principles

of humanity, nor disgraceful to a country, may be presumed from the complete admission by other European powers of the propriety of following it; and its great advantages may be farther known by the extreme avidity with which a neighbouring rival nation is, as the petitioners have been informed, at this time, encouraging it with bounties and rewards in that country, unknown till the present period; and that the suppression of the slave trade would be attended with consequences little short of ruin to many of the petitioners, who have thus, under parliamentary faith, embarked in the trade, and invested their property as before stated, would be highly injurious to the interest and public revenues of this country, and operate as an effectual bar to future commercial emulation and enterprize; and therefore praying, that they may be heard, by their counsel, against the abolition or restriction of this trade before any resolutions, or a bill, be passed by the House upon a subject of so much national importance, in which they are so peculiarly situated, and so greatly concerned.

The petition was read, and ordered to lie on the table.

Sir William
Dolben.

Sir William Dolben, according to order, brought in a bill to regulate and prevent certain inconveniencies that had arisen in the mode of transporting natives of Africa to the West-India Islands.

The bill was read a first time, and ordered to be read a second time. It contained clauses to oblige the surgeon and the mate of each ship employed in the African trade, to keep an account of the number of Africans taken on board, and of their deaths, and attest the same on oath, and also clauses to limit the number of Africans taken on board in proportion to the tonnage of the vessel, and to oblige the captain to use ventilators, &c. &c.

Mr. Gas-
coyne.

Mr. Gascoyne observed that, doubtless, it was in the remembrance of the House that when the conversation took place upon the subject, on the preceding Wednesday evening, he had given no opinion either for or against the bill; but had declared, that he had written to his constituents for information and instruction respecting it, at the same time communicating the heads of it in his letter. He could inform the House, that he had since heard from Liverpool, and he was enabled to declare, as well from having been possessed of the sentiments of those most immediately interested in the question, as from his own conviction on more mature deliberation, that the bill was not likely to be productive of any good consequences whatsoever; that it could not pass without bringing forward a premature discussion of the general question, which the House had, wisely, postponed to the next session, and which, most undoubtedly, could

could not be gone into, with any prospect of meeting a temperate discussion at present. Mr. Gascoyne objected to the mode of regulation proposed in the bill, even if it were admitted that regulation were necessary, declaring his having reason to believe it not practicable in itself nor adequate to its proposed object. After a declaration that he conceived the inconveniencies on which the bill was professedly grounded, to be more imaginary than real, and believed, also, that if the bill proceeded, his Constituents must be heard by Counsel, and such a variety of evidence gone into, as would unavoidably occupy more time than the period of the session would admit, he concluded with moving, "that the bill be read a second time upon that day three months."

Mr. *Brickdale* seconded the motion.

Mr. *Brickdale*.

Mr. *William Smith* regarded the bill as indispensably requisite to answer the purposes of humanity, and put a stop to the cruel practices which (he feared) were but too truly stated to prevail in that branch of the African Trade, to which alone the bill pointed. He did not wonder that the honourable gentleman (who naturally entertained too good an opinion of those gentlemen with whom he was connected, and who were immediately concerned in the African Trade, to believe it possible that such practices should prevail in the conduct of a traffic (over which they presided) should oppose the bill, and talk of the great quantity of evidence that must be gone into. If the honourable gentleman, and those who opposed the bill, designed to examine witnesses against it, he hoped they would bring forward their evidence in as compact a shape as possible, and occupy no more of the time of the House than was necessary. He declared, he should be extremely glad, indeed, to be satisfied that those cruel practices, which he (feared) did prevail in the transport of slaves, were matters of imagination only; but he could not entertain an idea, that a point so generally talked of (and he might add so generally credited) was wholly groundless. If the fact were so, it more particularly behoved those gentlemen who had spoken of calumnies supposed to have been cast upon the persons principally concerned in the Slave Trade, to come forward with alacrity, and by assisting in forwarding the bill, or at least in laying the necessary evidence before the House, to help to clear them from the suspicions, which certainly prevailed against them to a very powerful degree. Mr. Smith said, he hoped no gentleman would attempt to mix the question of the present bill, with the general question of the policy, propriety, and humanity of the Slave Trade, with which, in its provisions, it certainly had no necessary connection, but was a separate and distinct proceeding, directed to a separate and distinct object. He urged the

Mr. *William Smith*.

necessity of the House interfering, without delay, in a case that called for reform; and to which an easy and immediate regulation was applicable; and he reasoned upon the appearance and construction that the conduct of those who should oppose it must bear in the eyes of every reasonable man, maintaining that an obstinate resistance against granting any relief to the sufferings of our fellow creatures in Africa, could only be imputed to a consciousness of the existence of the grievances in question, and an interested desire to avoid inquiry, in order to procrastinate and delay regulation and reform. Mr. Smith concluded with declaring that he would oppose the long postponement of the second reading, which had been just moved, and vote for the bill's long read a second time on that day which the honourable Baronet should propose.

Mr. Young. Mr. Young supporting the postponement proposed by Mr. Gascoyne, observed, that when the mind should expand to as to embrace the whole of the objects taken in by the present bill, without at all looking at the more or less general question, he was persuaded gentlemen would see the extreme difficulty or rather the utter impossibility of passing the honourable Baronet's bill in the short period of the present session. The honourable Baronet had, undoubtedly, proposed it with the best views and under the most liberal and humane notions, wishing to afford as early as possible to our suffering *human creatures* (as he had been very glad to hear them called by the honourable gentleman, who spoke last) in Africa; but, he was sure the honourable Baronet was not aware of the wide field for discussion and inquiry his bill would lead to. The honourable gentleman who spoke last (Mr. Young observed) had called upon the honourable gentlemen, who opposed the bill, to come forward and clear themselves, from the suspicions which they had incurred. It was neither fair nor parliamentary to charge any set of gentlemen with being liable to suspicion, on account of their public conduct as members of that House ———

Mr. Smith. Mr. Smith interrupted Mr. Young, and begged to say a word or two to explain. He was called to order.

Mr. Young. Mr. Young proceeding, remarked that every gentleman had an undoubted right to act upon his opinion, and upon the information he had received from those most conversant with any subject before the House. Much sound argument might be advanced to prove the impropriety of going prematurely into the discussion of the present bill, and to shew, that neither the ends of private feeling, nor of general humanity, would be answered by pushing it to a hasty decision, but that, on the contrary, the hardships and sufferings of the African slaves, if such existed, would be more likely to be increased, than diminished.

diminished by it, while the British commercial interests, as far as they were connected with it, would be unnecessarily but materially injured. To illustrate this, Mr. Young put the case, that the bill passed, and that the port of Liverpool should send out three ships constructed and altered according to whatever might be the proposed regulations; that, upon their arrival in Africa they might find two French ships there, not of larger tonnage than their own vessels; that, for want of purchasers the market for slaves might prove remarkably cheap; that they being restrained by the act could take no more than three hundred slaves on board, while the French ships, being under no such restraint, would take six hundred on board, or perhaps only four hundred and fifty. Would not the French in that case, go to the West-India markets, under a palpable advantage; and would the cause of general humanity be at all served? Mr. Young declared that his own mind led towards principles of general humanity in regard to the whole of the subject, as the honourable gentleman who spoke last, well knew, but he was persuaded, that the prematurely passing the present bill would defeat its own object.

Mr. Smith declared that he had been misunderstood by the honourable gentleman, who spoke last. He had not talked of the suspicions under which the honourable gentlemen who opposed the bill laboured; but merely observed that, as they had, a few days since, professed themselves, extremely anxious for inquiry, in order to clear the merchants and traders of Liverpool from the suspicion of countenancing the cruel practices, which were reported to prevail in the conduct of the slave trade, it particularly behoved them to bring forth their evidence now, and assist the House in putting the present bill into a proper and practicable shape. With regard to the honourable gentleman who had moved to postpone the second reading of the bill for three months, he had not intended to cast the least reflection upon him for his conduct, and he hoped the honourable gentleman was far from thinking that in what he said, he had aimed at any such purpose.

Lord Penryn declared that, after what had fallen from the honourable gentleman near him (Mr. Smith) he could not sit silent. In the first place, the cruel practices asserted to prevail, he flatly denied to have ever existed. The assertion of their existence was matter of direct defamation and gross calumny. It was absurd and inconsistent to suppose that men, whose profit depended on the health and vigour of the African natives whom they carried to the West Indian market, would, purposely, torment and distress them during their passage, so as to endanger their lives, merely (as it might be said) that they might *live by the loss*. But, the absurdity out
of

of the question, he flatly denied the fact. The honourable gentleman had called upon him, and upon those who took the part of the merchants and traders, who were concerned in the African trade, to come forward, and assist in clearing the characters of those whom they defended from suspicion. But, the merchants and traders in question deserved no such suspicion, and the charge originated in mere calumny and misrepresentation. That cause carried no very favourable complexion, which had two such disgraceful fore-runners. The honourable gentleman observed, that he had declared, that the merchants and traders of Liverpool were anxious for an inquiry. Undoubtedly they were extremely anxious; but, for what sort of an inquiry? Not a hasty, premature, intemperate discussion, dictated by defamation, and influenced by passion, but a full, candid, and sober investigation, for the sake of truth, and the satisfaction of reason. Whenever such an inquiry took place, it would be found that all the idle stories of cruelty, reported to be common on board the African ships, were mere groundless calumnies. At present, he was convinced no such inquiry could take place, nor could the bill in question, or any thing like it, answer the object even of the honourable Baronet. The merchants and traders were, by no means adverse to inquiry, or adverse to a proper bill of regulation, since they acknowledged that there might be some individuals in the trade, who were bad men, governed by violence and passion. His Lordship declared that he had full authority from the merchants and traders of Liverpool, to say they would themselves come forward with a bill during the course of the ensuing session, or assist the House in forming one, to put the trade under proper regulation, but at present he was persuaded that it was impracticable.

Mr. Drake. Mr. Drake declared that he never had acted in that House from so base a principle as that of passion; disdainful idea of scornful motive! He was persuaded the honourable baronet, was equally free from feeling any such shameful impulse. In his mind the honourable Baronet deserved the united thanks of the House for having introduced such a bill as that before them. He verily believed the honourable Baronet possessed as noble and as excellent a heart as ever dignified an human breast. His bill did him the highest honour, and that House ought to receive it with gratitude, and foster it to their bosoms. Mr. Drake read the preamble of the bill to convince the House of the humanity of its object. The preamble stated that it was to prevent the *inconveniences* that were supposed to exist in the mode of conveying the natives of Africa to the West Indies. He said *inconveniences* was, in his mind, much too mild a term. It had, he supposed, been adopted as a conciliatory

A. 1788.

DEBATES.

conciliatory word; but *hardships, severities, cruelties*, or any other strong expression, would be a more apposite term to be adopted; and when the bill got to a Committee, he would move such an amendment. He reasoned upon the necessity of carrying so humane an instrument into immediate effect, stating the severe hardships that the poor Africans suffered, and must suffer, if six months were allowed to pass over before any attempt was made by that House to relieve them. He described the miseries of an infinite number of poor wretched human beings crowded and crammed together in unventilated ships, and without benefit of any of the humane regulations proposed by the bill; and which the House, when the bill should come to the stage of a Committee, might modify and adopt. Mr. Drake concluded that, he should vote in favour of the second reading of the bill, so as to enable the house to pass it with all reasonable dispatch, in the course of the present session.

Mr. *Brickdale* hoped that he should not be thought inhuman for having seconded the motion to postpone the second reading for three months. He had done it silently, wishing to hear what were the sentiments of other gentlemen before he delivered his own. Connected as he was with gentlemen immediately concerned, and that in a variety of ways, with the African trade, he had felt it to have been his duty to second the motion; but his own private sentiments led him to wish that the trade were put under some regulation; that regulation, however, he conceived could not be suddenly and hastily agreed on with any prospect of success. It would require more cool investigation and temperate discussion; than the House would have time for during the course of the present session.

Mr. *Whitbread* very humanely urged the House to go on with the bill.

Mr. *Rose* desired gentlemen, before they resolved to continue a debate on so important a subject, to ask themselves whether it became the cause, or would tell in its favour without doors, when it should be known that it was agitated in so thin a House? He therefore advised the honourable gentleman to withdraw his motion, and that all parties should agree to let the discussion stand over for the morrow, when in all probability there would be a much fuller attendance.

The *Attorney General* observed, that the House had, in a manner, been taken by surprize, no notice having been given that there was any intention to bring forward the motion. Mr. Attorney said that there might be a stop put to the House proceeding to debate a minute longer, by moving to have it counted; but it would be more decent in itself, and more respectful to a subject, on which much of the public attention

was

was fixed, that the matter should be put an end to, by withdrawing the motion.

Mr. Beaufoy Mr. *Beaufoy* professed himself a warm friend to the bill, but remonstrated against farther agitating a motion of the magnitude of that before them in so thin a House.

Sir Charles Middleton moved that the House might be counted, which, being according to the standing order, was obliged to be instantly complied with, the House was counted out.

The following papers were put upon the table of the House, for the perusal of the Members.

The average amount of the Window tax, for three years preceding the year 1784, which ended the 5th of April 1785, is - - 416,311 16 9 $\frac{3}{4}$

The present actual receipt of the old window tax by the last accounts that were made up, and which were for 1785 - - - 380,906 15 5

The accounts of the year 1786 are not all received.

An account of the actual receipt of the Window Tax, under the Commutation Act, from September 1784, to March 1788, with the arrears and deficiencies, distinguishing each year.

	Receipt.	Arrear.	Deficiency.
1784.			
Half-year from the 10th Oct. 1784 to 5th April 1785	260,855 15 4 $\frac{1}{2}$	1,000 0 0	5,605 4 3 $\frac{1}{2}$
1785.			
Year ending the 5 April 1786	508,369 1 —	2,000 0 0	13,127 18 5 $\frac{3}{4}$
1786.			
Year ending 5th April 1787	485,905 10 10 $\frac{1}{4}$	35,805 7 1 $\frac{1}{2}$	
1787.			
Year ending 5th April 1788	160,482 5	361,530 13 6	

N. B. The arrear on account of the years 1784 and 1785, is ascertained with all possible precision:—It is apprehended so much more will come in; but possibly some part, or the whole may prove deficient.

The arrear on account of the years 1786 and 1787, will some part be deficient, but what proportion cannot be ascertained till the year's accounts are settled.

John Trenchard, G. Blount, F. Fownes Luttrell.

Office for Taxes, 22d May, 1788.

The House adjourned.

Tuesday, 27th May.

Mr. Chancellor Pitt. Mr. *Chancellor Pitt* moved the order of the day for the House to resolve itself into a Committee to take into their consideration the petition of the East India Company.

Mr. Hussey. Mr. *Hussey* conceived that the account of the East India Company's debts at home, and of their property, should have been

been laid before the House, so as to enable the Committee to see how their affairs really stood, before they proceeded to grant them leave to raise an additional sum upon credit.

Mr. Chancellor Pitt answered that the Company did not require a credit to which their circumstances did not entitle them; and he imagined that the papers on the table, which would be referred to the Committee, would prove fully sufficient to warrant their application. Mr. Chancellor Pitt.

Mr. Hufsey considered the papers on the table as a mere cash account, and thought that the Committee ought to have more satisfactory papers before them; and in particular an account of the quantity of stock of various kinds in their warehouses. Mr. Hufsey.

Mr. Chancellor Pitt stated his reasons for thinking otherwise, and said, the balance was, at this moment, in their favour, and that the Company stood in no need of present relief; but as the balance would be against them in March, 1789, in consequence of the quantum of bills, &c. drawn upon them, and that would then be due, it was right to take care to grant them a power to raise a sum equal to the demands that would come upon them, and which arose from the measures that had been taken to bring home the India debt. With that view he meant to move in the Committee that they should have power to raise 1,200,000*l*. Mr. Chancellor Pitt.

Mr. Hufsey contended that it was giving them a power that might be used to the disadvantage of the Public; and, therefore, it was the duty of that House to proceed with extreme caution, and to have the fullest information before them, when they gave their consent to their borrowing such an addition to their capital. Mr. Hufsey mentioned the very great uncertainty of all their proceedings relative to the debts of the Company, instancing the fact, that the Company's debts in India, in the year 1787, had turned out to amount to above a million more than that House had voted them to amount to. Mr. Hufsey.

Sir Grey Cooper observed that it was the old and established principle never to allow a trading company to borrow more from the Public, than the Public stood indebted to the company. It was therefore highly necessary, that a full account of the state of the Company's affairs should be before the Committee. Sir Grey Cooper.

Mr. Smith (late Chairman) said that if the House went into the Committee, the state of the Company's affairs would of course come out in debate, and he had not the smallest doubt but that it would be found, that the application in the present instance was perfectly reasonable. Mr. Smith.

The Speaker then left the chair, and Mr. Gilbert having taken his seat at the table,

Mr. Chancellor *Pitt* stated the reasons of the Company's present application to Parliament, and the grounds on which he held it justified. He said that there were two cases to be made out, on which rested the proof, that the Company were justified in their petition to Parliament, and that both of them appeared to him to be sufficiently made out. He assigned the reasons and the necessity for their having their requisition granted, imputing the occasion of their application to have arisen in a great measure from the extension of their trade, in consequence of the late measures of Government. He said that he would not touch then upon the commutation act, because, advantageous as that measure had turned out, and essentially beneficial to the revenue as it had proved, an honourable gentleman, who had undertaken to shew that the very reverse was the fact, had given them to understand that a day would be adopted for a full discussion of that topic. He mentioned among other causes of the Company's wanting to borrow a farther sum, their having been under the necessity of sending 300,000*l.* to China, in consequence of the freights from Bengal failing by so much in their expected produce. Gentlemen (he said) would find the debts of the Company to be 834,000*l.* less than in the year 1786, and from the present appearance of things, supposing peace to continue, the Company would in 1791 have above three millions over and above sufficient to discharge their debts. He declared the amount of their bond debts, and other incidental debts (including the demand which Government had upon the Company, and which, whenever it came to be liquidated, would be found to be very considerably above 500,000*l.*) and set against them the Company's capital, their floating property at the period in question, and other matters, in order to make out his assertion. After an infinite variety of statements, he moved a resolution purporting that it was the opinion of the Committee that the Company should be empowered to borrow a sum not exceeding 1,200,000*l.*

Mr. *Hussey*. Mr. *Hussey* declared that he knew not what had happened since the year 1786, to justify the present application. Mr. *Hussey* was proceeding to state in what light he saw the Company's affairs, when

Mr. Chancellor *Pitt*. Mr. Chancellor *Pitt* interrupted him, merely to save trouble, by stating, that if the honourable gentleman took up the matter in the way in which he was proceeding to state it, he must go back as far as the year 1784; whereas he had grounded all that he had said, on the state of the Company's affairs in the year 1786.

Mr. *Hussey*. Mr. *Hussey* resumed his argument, and proceeded to state the situation of the Company; comparing their capital with their debts, &c. in his own way, observing, that where public

lic credit was concerned, they ought to look at it in every point of view. He then regularly traced the several additions that had been made to the Company's capital, and grounded many arguments, upon the amount of it at different periods, inferring from the whole, that the right honourable gentleman's statement was not, to his mind, perfectly satisfactory.

Mr. *Smith* (late Chairman) begged to say a few words, in order to enable gentlemen to judge for themselves, whether there was any risque in voting the present resolution. Mr. Smith then took a view of the Company's affairs at the end of the war before the last, and traced them from that period up to the present time. He contended, that they had been very deeply in debt, but that they reduced that debt to one million and a half in the course of the last peace, and at the time of the commencement of the war, their affairs were in the most prosperous condition that they ever had been in. At the end of the war, they found themselves distressed, and the reasons were obvious. He mentioned the difference of the expence of freight, and various other circumstances; and after dwelling upon these particulars, he enumerated the relief which the Company had, at different times, received from Parliament, and stated, that they had cleared off 800,000*l.* per annum of their debt since the war.

Sir *Grey Cooper* thought that the enlarging the sum due from the East India Company to the Public, was dangerous to public credit. He quoted a pamphlet to support his objections, on the score of the immense drains of the treasury of the Company, occasioned by the sums sent to China in order to bring tea home, and mentioned the derangement, if not ruin, of many branches of home manufacture by the extension of the Company's trade, and the low prices at which they sold their goods, bringing large quantities to sale unexpectedly. He particularly instanced the muslin manufacturers of Lancashire, and the manufacturers of Scotland.

Mr. *Chancellor Pitt* contended that the honourable Baro- net was mistaken.

The resolution was then read, and agreed to.

The order of the day was read for going into a Committee farther to consider of the charges against Sir *Elijah Impey*.

Sir *Gilbert Elliot* moved, "That the Speaker do now leave the chair."

The *Attorney General* contended, that the charge relative to the Patna Cause, if it was any charge against Sir *Elijah Impey*, must prove equally a charge against the whole Court. In 1780, the subject of the charge became an object of parliamentary consideration, and an act had passed upon it. The East-India Company had agreed to give security, in case the sentence was not affirmed by the Privy Council in the course

of five years, to pay the parties 30,000*l.* and, that day, he understood, the Solicitor to the East-India Company had received notice of its being set down for hearing. He asked, therefore, whether that House would wish to proceed with the discussion of a cause that was to come on for hearing before a tribunal most proper to decide it?

Mr. Anstruther.

Mr. *Anstruther* declared, that his reason for wishing the House to proceed was, that the cause was totally at an end, and that no party had any longer any interest in it. In order to illustrate this assertion, Mr. Anstruther recapitulated the circumstances attending it. He maintained that the bond entered into by the East-India Company, under the act of 1781, was forfeited, since the five years expired in January 1788. He conceived the whole business to be a collusion between Sir Elijah Impey and the East-India Company; and he stated the charge as criminal, because Sir Elijah Impey acting corruptly (he meant not from pecuniary motives) had oversteer the whole judicature of India, for the sake of extending his own jurisdiction. Mr. Anstruther added, that if it was really too late in the session to go through with the charge, he should think that a fit reason for putting it off; but he was far from being of opinion that such was the state of the case.

Mr. Grenville.

Mr. *Grenville* observed, that the honourable gentleman had just stated the strongest reason for putting off the charge, when he mentioned the lateness of the period of the session, which he declared he (Mr. Grenville) felt to be a strong objection to going on with it. Mr. Grenville did not admit the whole of Mr. Anstruther's reasoning, as he could not think there was any ground for the suspicion of collusion between the East-India Company and Sir Elijah Impey. He added other reasons for being of opinion that the charge ought not to come on, while it was going to another tribunal, though that circumstance, he admitted, by no means debarred the House from exercising its functions respecting the charges in future.

Mr. Anstruther.

Mr. *Anstruther* replied; and after admitting, that if the Privy Council should affirm the sentence, it would, in his mind, proceed some length towards the exculpation of Sir Elijah, enlarged upon his former argument.

Mr. Grenville spoke in explanation.

Mr. Burke.

Mr. *Burke* observed, that the whole reminded him of a story of Sir Robert Walpole, who, retiring from the fatigues of public business, desired his son to get him a book to read to him. The son asked him on what subject? Should he get him history? No, no, said Sir Robert, not history; there can be no truth in that. He admitted philosophical speculations, travels, and Pliny; but history, he said, could

not be true. Mr. Burke applied this story to Mr. Grenville's argument, and talked about young statesmen, and who were filled, as it were, with wine, and had all the body and strength of it; while older politicians were obliged to take up with the lees, which were somewhat stale and sour. Mr. Burke next stated all the particulars of the Patna cause, in the investigation of which he had many years since taken a considerable part. The East-India Company, he said, originally brought it before that House, and with great warmth urged them to investigate it. They had caught the Company's warmth, and felt with equal ardour. They took it up, and considered it as so outrageous and bad, that no appeal could be expected. An act was passed for the immediate relief of the Magistrates of Patna, and the Company gave bond to have the cause heard before the Privy Council. Mr. Burke stated the manner in which the bill had been curtailed in the House, declaring their *noble* had been reduced to *ninence*. But, as a little practical good was better than mountains of speculative advantages, they had patiently submitted to hold fast by the remainder that was left of their bill. The East-India Company, who had been so hot upon the business, grew cool upon it directly afterwards. The first thing they did was to prevaricate, and leave the magistrates of Patna, who had been dragged some hundred miles before a jurisdiction they knew nothing of, to amuse themselves in prison, as they had been told in another place, by dancing in irons to the jingling of their chains, and to regale themselves with the perfumes of the common sewer of the prisons of Calcutta. The Company, Mr. Burke said, had made a false entry, and had altered their own record; and they had been guilty of the grossest frauds and villanies to prevent the effect of their own petition, and had omitted to send the act out to India. And what had they done since? They had forfeited 30,000*l.* for the purpose of defeating a criminal charge against that criminal whom they had called upon the House to proceed against. Mr. Burke enlarged on these particulars, and applied the *nonumque prematur in annum* of Horace, to the nine years that had elapsed since the subject was first agitated, declaring, that nothing would make him add a tenth. He took up the cause for the sake of the rights of the Magistrates of Patna, for a man who was a Magistrate before the dirty East-India Company had any power over Patna. He alluded to the expression of a bit of wax hanging to a piece of parchment, as applied to a charter on which depended the lives of millions, and asked if they, the Commons of England, owed no more protection to India, and its injured inhabitants, than a Company of Merchants could give them? With regard to the lateness of the season,
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he owned, that many things had great weight when compared with that circumstance; but when it was considered that the Patna cause had been protracted for nine years, surely they would agree that the protractors, and not the miserable inhabitants of India, ought to be punished. He submitted it to the feelings of the House, whether, when Magistrates had been dragged four hundred miles from their native place to be tried by laws to which they were strangers, and suffered to remain in prison, they did not merit attention? That House, he said, was no prison, although he knew it was not extremely well calculated for business in summer, yet in a case of such magnitude, ordinary considerations ought to give way, and they ought not to hold out to India, that Sir Elijah Impey, being one of their own colour, one of their gang, as it were, upon this account he should be protected by them. Because the East-India Company had delayed to do justice for nine years, that House ought not to prevaricate. For his part he would not, for no Horace had told him to keep his peace ten years.

Mr. Smith. Mr. *Smith* observed, that he rose to exculpate himself from the aspersion which the right honourable gentleman (Mr. Burke) had cast on the East-India Company, declaring he had sat for many years amongst the Directors, and with as good men as those with whom the right honourable gentleman had associated, without any disparagement to the gentlemen, be they who they might. Mr. *Smith* justified the conduct of the Company, declaring, they were always governed by the advice of their law officers, and that they had as respectable law officers as any in the profession. They had called on their law officers to take care that no time was lost; and he desired the right honourable gentleman to prove that the Company had been guilty of any prevarication, or of having, at any time, attempted to screen any man from justice.

Mr. Chancellor Pitt. Mr. *Chancellor Pitt* observed, that the subject had caused more warmth than it seemed to require. The honourable gentleman had told them, that they were not to trust to history, and a great many more things that had very little to do with the question. An honourable and learned gentleman had admitted, that if the Privy Council had affirmed the sentence, that would go a great way towards exculpating Sir Elijah Impey. [Mr. *Burke* said, I never admitted that.] Mr. *Pitt* declared, the admission was too fair, too reasonable, and too candid, for the right honourable gentleman to have made, undoubtedly; but it so happened, that he alluded to another person, an honourable and learned gentleman opposite to him (Mr. Anstruther). As, therefore, the cause was to go before the Privy Council, and as it was possible for the sentence

sentence to be affirmed; and as by next session they would know whether it came on or not, he thought it far more advisable to wait till then, and the more especially, since by going into it under those circumstances, they would break through a principle allowed to be a good one, and by putting it off, they would be able to go into it in future with more accuracy. The right honourable gentleman had said that that house was not a prison; a strong argument, in his mind, (Mr. Pitt observed) for not going into the consideration of the charge. If the house had been a prison, they might have some hopes of being able to detain the members, and force them to attend the consideration; the case being otherwise, in all probability if the charge came on, they would have to look for their members at the distance of four hundred miles from those walls. He could not, however, believe that gentlemen were serious in wishing to go into an inquiry, which it would be impossible for them to finish in that advanced period of the session. The right honourable gentleman himself had too many avocations, avocations that were both honourable and useful to himself, to wish to go into it.

Mr. *Anstruther* answered, that he did not think the inquiry would take up so much time as the right honourable gentleman seemed to imagine. On the contrary, one or two days would be enough for adducing the evidence, which was most of it written and documentary; and going through the charge before the session closed, he really thought would be a great object. Mr. *Anstruther* said, he pushed it now, because a *bona fide* decision could not be had. With regard to any short remainder of the session that there was to come, no man but the right honourable gentleman could ascertain that event, because no man but he knew how soon it would close; it might last two months, or perhaps only one week longer.

The *Attorney General*, in answer to the charge of an intended collusion between the East-India Company and Sir *Elijah Impey*, mentioned the opinions of Mr. *Mansfield* and Mr. *Rouse* upon the subject, and asked if any man could suppose that they would become parties to a collusion; or, that, having set their hands to the record, they would not fairly argue the cause before the Privy Council? Mr. *Attorney* said, that the East-India Company would not pay their bond, though he admitted, that it was forfeited in law.

Mr. *Anstruther* hoped that his honourable and learned friend did not suppose, that he had the least suspicion that gentlemen of such respectable characters as Mr. *Mansfield* and Mr. *Rouse* would countenance a collusion.

Mr. *Burke* begged leave to contradict a right honourable gentleman, (Mr. *Pitt*) who had supposed him to have admitted, that the East-India Company had requested to have the obligation

obligation upon them to give security, referring the sentence to the Privy Council, inserted in the act of 1781. He had said no such thing, but the contrary, affirming, that it had not been desired by the East-India Company, nor by that House, but by the highest authority, the Lord Chancellor, at whose express request he had inserted the obligation on the Company in the bill. Mr. Burke desired the right honourable gentleman, who had proved so bad an historian, not to take upon himself the office of being his historian; declaring that he had rather trust to the Public Advertiser, the Morning Chronicle, or the Morning Post, as reporters of his speeches, though he did not consider them as the most faithful records. He complained of the right honourable gentleman's treatment of him, and said, the oppression of great parts and great powers was too much to be borne. It reminded him of a story of a Roman lady, who had married a man with a bad breath, and when he was dead, the widow was asked how she could bear to live so long with a man who had a foul breath? The lady (having been a virgin when she married, as part of that House was) had said in reply, that she thought all men's breath was the same. He had heard severe things from many Ministers who sat in the place which the right honourable gentleman filled, but he had suffered more from the offensive and foul breath of the right honourable gentleman, than from that of any Minister that had gone before him. The honourable gentleman over the way had boasted of sitting in as good company as ever he did. That was a bold word. The Marquis of Rockingham, Mr. Dowdeswell, the Duke of Portland, and Mr. Fox, were not easily matched. Mr. Burke ridiculed Mr. Smith's standing up as godfather of the East India Company. The honourable and learned gentleman opposite to him, he observed, had declared that the East India Company would not pay their bonds; he had not said that they would pay them, but that they were bound to pay them, as indeed the honourable and learned gentleman had admitted; but, in truth, the Company would neither do justice nor pay their bond.

Mr. Chancellor
Pitt.

Mr. Chancellor *Pitt* answered, that he thought he never had heard a proposition more distinctly laid down, than when he had heard the right honourable gentleman say, the East-India Company had requested, that their being obliged to give security to refer the sentence in the Patna cause to the Privy Council, might be inserted in the act of 1781. The right honourable gentleman had complained of his treatment of him. In the heat of debate, a warm expression might escape him; and, it must be acknowledged, that the right honourable gentleman being himself remarkably guarded, and cautious of saying any thing to offend others, was peculiarly justified

A. 1788.

DEBATES.

justified in taking offence at any thing rather than that said of himself. With regard to the Minister who sat where he did, he had not heard so many Ministers as the right honourable gentleman, and therefore he could not remember what severe things they had said to him, but the right honourable gentleman had given sufficient proof that he had forgotten the severe things that he had himself said to Ministers.

Mr. *Burke* answered, that he would plead guilty to the charge of having neither been malicious in the first instance, nor vindictive in the second. Mr. Burke

The question was at length put, and negatived: it was then moved, and carried, that the farther consideration of the charge be put off till that day three months.

The House adjourned.

*Wednesday, 28th May.**

Lord Penrhyn brought up a petition from the merchants and traders of Liverpool, stating the long existence of the African trade; the essential benefits the country had derived from it; the encouragement that the Legislature held out to individuals to embark their fortunes in it; and the injury that they must necessarily suffer from any sudden measure being taken respecting it. Having heard, therefore, that a bill was in the House for the purpose of operating a partial regulation, which they conceived to be founded on facts that were not true, they prayed to be heard by themselves and their counsel against the said bill.

The petition having been read, was ordered to lie on the table.

Lord *Penrhyn* then moved, "That the said petitioners be allowed to be heard by their counsel on the second reading of the bill." Lord Penrhyn.

The question being put, it was agreed to.

Mr. *Ewer* brought up a petition from the merchants of London to the same effect with the Liverpool petition, and a similar motion was put upon it, and agreed to.

Sir *William Dolben* now rising, declared that he was far from harbouring even the most distant intention of thwarting the prayer of the petitioners, or of opposing their desire to be heard against the bill. All he desired was, that the bill which he had brought in, might meet with fair play, and that if evidence against it was listened to, he might be permitted to bring evidence in support of it. The purpose of his introducing a bill on the subject of the slave trade was not to bring forward the consideration of the immorality of that trade; it was not indirectly to accelerate a premature discus-

of the general question concerning the policy and propriety of continuing the slave trade under certain regulations, or of abolishing it altogether; but to call the attention of Parliament to a particular and distinct object, which might properly be made the ground of immediate regulation, without involving any of the larger or more general considerations to which the subject might lead. It was, in fact, to save the lives of hundreds and thousands that must necessarily perish, if some such regulations as he had adverted to, were not adopted without delay. When he had first asserted, that so many lives were liable to be lost by the continuance of the practices, which he had been given to understand, had obtained in the transport of the natives of Africa to the West Indies, he had been called upon to bring proof of his assertion. He had answered, that he was not then prepared to bring forward the necessary evidence, but that he would undertake to do so on a future day. It was now some days since he had declared in his place, that he was ready to produce many of the most respectable characters; in short, witnesses out of number, and of almost every description of persons likely to be conversant with the subject, who would prove at the bar, beyond all contradiction, that the grievances he had complained of actually existed, and that there was such a stowage of the persons of the unfortunate Africans, on board the transport vessels, for the sake of saving a penny, as must shock the humanity and rouse the indignation of that House, and of every man of feeling in the country. These miserable wretches had not a yard square allowed them to live in, while, in that narrow space they were loaded with shackles, and fastened hand to hand and foot to foot to one another. When he had said he was ready to prove these facts at the bar, he had understood, that the honourable gentlemen, who had appeared to be adverse on the first mention of the bill, had declared, they would not object to the bill, if such facts could be substantiated, which they did not believe was very probable. He would do them the justice to observe, that they had only made that declaration on behalf of themselves, and had reserved the right of farther opposition, in case their constituents should so instruct them. It now appeared, their constituents had so instructed them, and two petitions had, that day, been presented. If the petitioners could controvert the facts he had stated, they ought to be heard; but, if the throwing in petitions, and desiring to be heard by counsel, was merely a manoeuvre to put off his question for another year, in order to enjoy another year's advantage of such inhuman practices, so that many lives would be lost in the interim between that and the next session of Parliament, it would be a shameful insult on that House, and no answer at all to those
who

who not only asserted very strong facts, but so far from desiring the House to credit their assertions, declared they were ready to bring evidence to the bar to prove the facts, and that they would leave it to the judgement of the House to decide, whether the evidence did not substantiate them beyond all contradiction. It was strange to think, that the gentlemen interested in the slave trade should suppose, that those persons whom he meant to call as witnesses in support of the facts he had stated, were prejudiced people, who having been disappointed in the trade, now wished to ruin it. When the House had heard them, they would be able to decide, whether such an insinuation was at all grounded. He had heard several extraordinary things asserted in defence of the subsisting mode of stowage of the Africans on board of ship, in their passage to the West Indies. Many had said, that the ships most crowded were the most healthy, and others, that the time the negroes passed on board a ship, while transporting from Africa to the Colonies, was the happiest part of a negro's life. Strange as these assertions were, they had been gravely urged to him as serious excuses for the prevailing practices, although it was undeniable that the negroes were in shackles, and bound hand and foot all the time of their passage. Sir William affirmed he had no object whatever but the cause of humanity; he had all along meant to avoid any thing like personality, and he trusted that he had done so that day. He had a very great respect for the merchants of Liverpool and London. He should be a most ungrateful man, if he did not profess and feel liberally towards the former, since he had been most hospitably entertained at Liverpool. Indeed he believed that he had eaten more turtle there, than he had ever eaten in the course of his life; but he would readily give up their turtle and burgundy, for mock turtle and plain port, if they would consent to forego some part of their profits, for the sake of accommodating the poor negroes better, while on ship-board. The merchants of Liverpool, he verily believed, were not aware of the hardships the natives of Africa suffered while on board of their ships; but in order to enable them to judge of the *pleasantness* of their situation, he said, let some of them take a summer voyage to Africa and the West Indies, under similar circumstances! And, as he understood there were generally two houses concerned, let them unite hand to hand, and foot to foot, as well as unite interest and purse, and thus chained to one another, let them continue rolling upon the waves during dangerous storms, and perilous gales, rolling about with shackles upon them, in their own sickness and its consequences, fluxes, pestilential distempers, and the danger of premature death! After experiencing those extraordinary proofs of *happiness*,

pleas, let the Liverpool merchants come to the bar of the House, and substantiate their assertions, and he would readily give them credit, and so, no doubt, would the House. He again repeated, that he had evidence to prove the facts that he alleged. Gentlemen might throw in their petitions by way of taking advantage of a parliamentary manoeuvre, where bills of an ordinary nature were under consideration; but, he must contend, that it was not fair, when the lives of hundreds and thousands were at stake. If the opposers of the bill were to be allowed to go into evidence to controvert the facts on which the bill was founded, he trusted he should be allowed to bring forward evidence to substantiate those facts. To deny this, would be to deny justice, in like manner, as if when a criminal was arraigned, a Court of Criminal Judicature was to declare themselves ready to listen to the prisoner's defence, but unwilling to hear the evidence in proof of the charge. Sir William concluded with declaring, that he hoped the House would not suffer any artificial or interested delay. He was ready to move that the bill be read a second time on Friday, or Monday, or any other early day, so that he should not be deprived of the opportunity of passing it during the course of the present session.

Ed. Martin, Mr. Martin having observed that when the subject in question fell last under the consideration of the House, he had heard a noble Lord talk of the calumnies that were cast upon those concerned in the slave trade; added that he could not conceive what motive those who professed themselves friends to the present bill, and desirous of either wholly abolishing the slave trade, or putting it under such regulations as were more reconcileable to the principles of humanity, could have to calumniate the merchants of Liverpool and London. For his part, he considered himself as under many very great obligations to the merchants of this country; he had the highest respect for the character of a merchant, and consequently he could have no motive for supporting the present Bill like that of a desire to join in calumny. Did not gentlemen, who wished to put off the present bill, think that several thousand lives might be saved by its being carried? And if so, would they persist in opposing it? Particularly did it behove them to be careful, that they attended to the calls of humanity, in that year, because it was exactly a century ago that an unfortunate family had been expelled the country for breaking its laws; but he would venture to say, that the unfortunate family in question did not exert such tyranny, as we daily exercised over our slaves and menial servants. Mr. Martin declared himself much agitated on the business, and he hoped gentlemen would reflect on the importance of the subject. If after the facts

facts that had been stated by the honourable Baronet, any gentlemen could refuse to give their consent to the present bill, let them retire to rest "with what appetite they might."

Lord *Penrhyn* observed, that he felt himself irresistibly ^{Lord Penrhyn.} called upon to give some answer to what had been said by the honourable Baronet and the honourable gentleman below him. They had asked what grounds there could be for opposition to the bill? For his own part, he could declare that his constituents, under the sanction and faith of Parliament, had continued for many years to carry on the African trade; that they had every reason to think it a legal trade, and such as they might pursue without imputation of inhumanity. Such ships as remained, and had not yet failed, were equipped, and ready, and his constituents thought it hard that they should be prevented from sending them on their voyages, when they had committed no crime, and because the credulity of some persons had been imposed upon. Was that no ground for opposing the bill? Surely it would not be contended that it was not solid ground for objection? The honourable Baronet had talked a great deal of the petitions, and had stated many strong facts against the petitioners. After what had been said, might not the petitioners have a wish to clear themselves; and was not that a reasonable wish? The honourable Baronet doubted whether they would come to the bar. Did he think they would not have their characters cleared? Most undoubtedly they would. The honourable Baronet had urged the great and urgent necessity of passing his bill in the present session. What effect could it produce? The greatest part of the ships employed in the African trade were already failed; it could not therefore have any operation upon them; and those captains, who were yet to sail, after what had passed in that House, would be cautious in what they did from principles of prudence, if they were not influenced by motives of pure humanity. With regard to the question of the honourable gentleman near him, as to the motives that persons might have for dispersing calumnies, what inducements any persons might have to disperse calumny, he knew not, but he was certain the merchants of Liverpool had been grossly calumniated. The honourable Baronet himself, even when he was avowing his desire to avoid any thing like calumny, had been adding to the calumnies already afloat, as he had no doubt that when the petitioners came to bring their evidence, they would prove the honourable Baronet's alleged facts to be mere calumnies, and that the allegations contained in the numberless petitions which had been put upon their table, would be found to be calumnies, likewise. His Lordship said,

last, he would not go then into any observation upon the manner in which those petitions had been obtained, as the question to which they referred was not then before the House, but the petitioners considered the bill as an attack upon them, which was not justified by either fact or necessity. It singled them out from every other description of merchants, and therefore feeling it to be as unwarrantable, as it was ill timed, they were determined to dispute its principle throughout.

Mr. Chan-
cellor Pitt

Mr. Chancellor Pitt observed that he did not, in consequence of any remark which the noble Lord had advanced know that there was an intention to oppose the question of reading the bill a second time upon the ensuing Friday: but, if there was, he would mention the cause of his not joining in any such opposition. The noble Lord had said, the petitioners were determined to dispute the principle of the bill throughout. He would take upon him to assert, that the petitioners could not, and that no man could dispute the principle of the bill; for, what was the principle, but an endeavour to prevent a certain number of persons, sent on board of ships from Africa to the West Indies, from being kept and treated during their passage, so as to be reduced to a great probability of mortality? Could any man dispute such a principle? The petitioners might dispute the facts on which the bill was professedly founded, and question whether they existed at all; or if the facts were admitted or proved, they might dispute the fitness and propriety of the regulations contained in the bill; but no man could say, that if the facts actually existed, it was not a right principle of a bill, to profess to meet those facts with adequate regulations. For his own part, Mr. Chancellor Pitt said, he should not agree to any regulation which the bill might contain, which opposed indirectly the trade itself, when the general question, of its abolition, was not before the House. With regard to the present bill, its object was such as he must agree to, and such as the House were bound to take up; because, having resolved to suspend the consideration of the general question till the next session, it became their duty to provide against the possibility of any abuse arising in consequence of their suspension; and although the noble Lord had talked of the safety which would result from the prudence of those concerned in the slave trade, in consequence of what had passed within those walls upon the subject, it did not become them as a House of Parliament to repose themselves on the probable prudence of individuals, in a case of importance where they might in time provide an effectual security, by a legislative act. He did not know that any of the abuses that had been stated existed, but he

saw a possibility of those abuses or some other arising out of their late resolution; and, surely, the petitioners had no right to object against a bill calculated to prevent the growth of such abuses. He wished, therefore, that the motion had been for the petitioners not to be heard against the second reading, but in a Committee, where the facts which they might reasonably question, or the propriety of the regulations could alone be gone into. In his mind, the best mode which Parliament could adopt, would be to keep the subject entire till the next session, and, therefore, he should wish to make as little alteration in any part of the conduct of the trade as possible; but if, upon inquiry, it was proved, and which, for ought he knew, would be proved, that it was carried on in a manner free from abuse, merely to take care to secure that it should so continue to be carried on, till next session, when the House stood pledged to go fully into the consideration of every part of it. At present, he could not see any ground of objection to the second reading, and, therefore, he hoped, however strongly some gentlemen might feel respecting the facts which had been alledged as the grounds of the bill, that there would be no difference of opinion as to the second reading of the bill on the ensuing Friday.

Lord Penrhyn charged the right honourable gentleman with assuming the facts alledged, which he deemed unfair.

Mr. Chancellor *Pitt* answered that whatever the noble Lord might think, the House surely would not conclude that he assumed that the present state of the trade produced those inconveniences which the bill proposed to prevent. He had expressly stated, that admitting that the trade was at present carried on without abuse, he wished the House to provide a security, that it should continue to be pursued in the same unexceptionable manner.

Mr. *Fox* observed that he could not reflect without concern upon the species of opposition which had arisen against the present bill. With regard to the principle of the bill, undoubtedly, the noble Lord had not been quite accurate, when he said that the petitioners would dispute the principle throughout; but from what he knew of his noble friend's mind, he was sure his noble friend did not mean to oppose the principle of the bill, in the accurate sense of the word principle, but to dispute the truth of the facts alledged as the reasons and grounds of the bill. That being, he was persuaded, his noble friend's opinion, he wondered he should make that a reason for opposing the bill upon the second reading. Such a bill as that, Mr. *Fox* said, was not to be answered by high sounding words, and by saying, these abuses that are stated to prevail, and have prevailed for some time, are calumnies. Out door conversation,

Mr. Chas
C. Har 1786

Mr. Fox-

and out-door reports, might be called calumnies; but no man could call those calumnies, which were facts stated by a Member of that House, in his place, who had expressly declared, he did not wish the House to credit him on his assertion, but that he was ready to call witnesses to the bar, to prove every fact which he had stated. That being the case he, for one, did assume the facts, and it would be extremely unjust to the petitioners, were he not to make such assumption. He did not think there was a man in that House, who wished an opposition to the bill, if the facts stated by the honourable baronet were true, and therefore the petitioners should have said, what? Not that we meant to dispute the principle of the bill, but we desire to come to the bar of your House to disprove those facts; and, as the right honourable gentleman had truly observed, the time to do that was when the bill should be in a Committee, and not upon the second reading. He could not, therefore, avoid observing that the mode of application which the petitioners had adopted to oppose the bill, was somewhat suspicious, and looked like a desire to delay and postpone the passing of the bill, rather under the hope, in consequence of the advanced period of the session, and other circumstances, to get it thrown out, than from any confidence in their being able to prove, that the alledged abuses did not exist. The bill might undoubtedly be a bad bill; the facts on which it was grounded might be false; the regulations and provisions of the bill might be unwise, and unfit to be adopted; either might be wrong or right, but the bill ought not to be postponed. It was not a measure on the African trade in general, but a measure of a separate and distinct nature, which that House, having resolved to suspend the consideration of the whole of the general question, were bound to adopt, if, upon examination before the Committee, it could be made applicable to its object. The right honourable Mr. Pitt, Mr. Fox said, had anticipated a good deal of what had suggested itself to his mind, and doubtless to the mind of every gentleman in the house, when he remarked that however much inclined they might be to believe that the persons employed in the branch of the African trade then in question, would not after what had passed within those walls, venture to countenance or practise abuses respecting the treatment of the negroes from Africa to America, they ought not to repose themselves on the prudence of individuals in a case of importance, but apply a proper legislative security as a guard against the possibility of abuse. Mr. Fox asked, if every gentleman did not see, that there would be great enterprises and speculations in any trade, liable to a less odious construction than the slave trade, if, from any proceeding

A. 1788.

DEBATES

proceeding of that House, suspending the discussion of it, there was an apparent probability that the trade, whatever it might be, would be either abolished, or so regulated during the course of the ensuing session as to be effectually altered. That being the case with the African trade, it was, as the right honourable gentleman had stated it, the undoubted duty of that House to take care, if no abuse prevailed in the conduct of the trade at present, that no abuse should prevail in it for the ensuing six months, and even that, if any abuse did prevail, greater and additional abuses should not be practised. He thought that the fair way for those gentlemen who conceived that the facts stated were not true, would be to say, "Bring forth your facts, that I may see what those facts are, and perhaps I shall prove that you have been misled, when you thought yourself well informed."—That would be proper. The honourable Baronet had asserted facts, which might or might not be true; but his noble friend had said, they are not true; but he did not say, "Let us go into them, but let us not oppose the second reading of the bill." Mr. Fox animadverted on this line of conduct, as greatly against the petitioners, and said he wished the petitioners to be heard before their Committee, where they might bring forward their evidence with effect. He wished that to take place as soon as possible, consistently with the forms of the House. He had heard a great many facts of a similar nature with those stated by the honourable Baronet; but he trusted, and did most sincerely hope, that upon examination, they would be found to be extremely exaggerated. He hoped and believed so. In the first place, he entertained the presumption, that mankind, who certainly were not naturally cruel, would not be cruel where there could be no end; and, in the next, he could not conceive that the facts alledged were true to the extreme extent that was alledged.—If any thing could convince him of the badness of the cause of those concerned in the slave trade, it was the sort of arguments that were resorted to for its defence. The honourable Baronet had stated some of these, and he had heard a variety of others of a similar nature; not only the situation of the negroes on their passage had been extolled as a happy situation, but it had been confidently asserted, that in the West Indies they were happier and better treated than the common subjects of this country. Such a mode of reasoning led him to suspect that the cause would not warrant better arguments, and thence he naturally inferred, that the cause itself was almost indefensible. There was another sort of argument which he must deprecate, and this was, what his noble friend held forth, that the present bill was an attack on the merchants of Liver-

If the power of resolving were allowed, there would be an end of every possibility of reform, let the abuse to be regulated prove ever so enormous and flagrant. In the present instance no such attack was meant, nor was there any thing personal mixed with the consideration of the bill, the object of which was not past animadversion, but future regulation. Its object was the measure, and not the men connected with it.

Sir William Dolben. Sir *William Dolben* declared that he always meant to attend to the distinction between the severity attendant to the stigma of the negroes, and their necessary security.

M. Gascoyne. Mr. *Gascoyne* observed that when the subject was first agitated in that House, he had entertained but two wishes respecting it; his first wish had been, that the subject might undergo a full, fair, and temperate discussion, and, as he was persuaded, there would not be time for the House to obtain sufficient information in the course of the present session, for that purpose, he had closed with the right honourable gentleman's proposition to postpone its consideration till the ensuing session. His second wish had been, that the question might be reserved entire, and not prematurely broken in upon. Since, however, he found it to be the wish of the House to inquire into that part of the subject, which referred to the treatment of the Africans during their passage from their own coasts to the West Indies, he was willing to meet gentlemen on that investigation. The honourable Baronet had asserted, that a variety of abuses existed in the treatment of the negroes on ship-board, but he was informed that no such abuses existed. On that question, therefore, the honourable Baronet and his constituents were fairly at issue. With regard to the hearing counsel against the bill, he had, within a few minutes, conversed with gentlemen most materially interested in the bill, and they had expressed themselves willing to take the Committee for the stage of being heard, instead of the second reading of the bill; but he did not think the gentlemen could prepare their counsel before the ensuing Monday at the earliest, and the House would be pleased to make the necessary allowances due to the consideration of the gentlemen having so short a notice.

Mr. Chancellor Pitt. Mr. *Chancellor Pitt* observed, after what had fallen from the honourable gentleman, there could be but little difficulty in adjusting the business. The order for Counsel to be heard on the second reading, on the ensuing Friday, having been made, it could not then be discharged, but it might be read on Friday, discharged, and a new order made for them to be heard either on Monday, in the Committee, or on the report, which ever might be most convenient to them.

Mr.

Mr. Fox presumed, that if they brought evidence against the facts, the honourable Baronet would be allowed to bring evidence in support of the facts, alledged as the grounds of the bill.

Mr. Chancellor Pitt answered, that he believed it was not usual to bring evidence in support of the facts on which a bill was grounded, unless there was some opposition to those facts, and in such a case, witnesses might be called to substantiate the facts.

At length it was settled, that the bill should be read a second time on the morrow, and committed for Monday.

Sir John Miller said, he held in his hands the papers which had been laid upon the table relative to the money expended by Sir William Chambers at Somerset Place: that they were so voluminous, and intricate, that no gentleman could make himself a master of them, unless he came to the House early in the morning and studied them all day: he therefore moved, "That they be printed for the use of the Members of the House."

Mr. Dundas observed, that he was not present, when the conversation had taken place on the subject of the new buildings erecting by Sir William Chambers at Somerset Place, but he had been informed, that the honourable Baronet had declared, that he had gone to Somerset Place, had been with Mrs. Brown, the housekeeper, who had told him that a house called the Navy Pay Office, was furnishing at the public expence, and that the Treasurer of the Navy had a fine house building, which was also to be sumptuously furnished at the public expence. Mr. Dundas enlarged on these particulars, and declared that they were wholly unfounded.—He raised a laugh by stating, that Mrs. Brown was as old a piece of furniture as any in the place, and by his manner of describing the interviews between Sir John and the Lady. With regard to the house for the Treasurer of the Navy, Mr. Dundas said, he had nothing to do with it. It had been ordered to be erected before he was Treasurer of the Navy; it was not yet inhabited, and possibly he might not be Treasurer of the Navy, when it should be inhabited. He concluded with desiring, that, in future, the honourable Baronet would plainly state any thing that he might have to say respecting him, when he should be present.

Sir John Miller said, as the right honourable gentleman was not present when the conversation took place, he might have heard what he pleased. The fact was, he had not said one word relative to the Treasurer of the Navy's House. Sir John said, he had been at Somerset Place, and had seen the housekeeper's room, where he saw presses and other furniture, that had been put up, as he understood, at the public expence, but he neither knew nor said any thing improper or that warranted him to say, that all the furniture of Somerset Place

was at the public expence. With regard to the right honourable gentleman's desire that he would speak plainly, he always had, and always would do so. He knew nothing against the right honourable gentleman, nor did he affect to know; but the right honourable gentleman might rest assured, that if he should ever hear any thing that he should be of opinion the Public ought to know, the right honourable gentleman should not find him skulk or flinch from the subject. He would state it to his face, without being in the smallest degree afraid to state it to its utmost extent.

Mr. Dundas.

Mr. Dundas said, the fact which the honourable gentleman had stated, viz. that the furniture of Mrs. Brown's room was put up at the public expence, was not true. He had sent for Mr. Seddon, who was employed under Sir William Chambers to supply the necessary articles of furniture for the offices, and Mr. Seddon had expressly told him, that he had no bill upon the Public for the articles in Mrs. Brown's room, but Mrs. Brown herself was to pay for them.

Sir Edward Astley.

Sir Edward Astley observed, that if the furniture of the housekeeper's room had been provided at the public expence, he saw no harm in such a procedure. He had always understood it to be customary, and it ought to be so, where the inhabitant was liable to be discharged and sent away, whenever her superiors thought proper.

Sir John Miller.

Sir John Miller explained, that what he had said relative to the furniture of Mrs. Brown's room, had been drawn from him in consequence of a contradiction given him in the course of the debate.

Mr. Chancellor Pitt.

Mr. Chancellor Pitt observed upon this, that the honourable Baronet having been contradicted, had given a false instance to support his assertion.

Sir John Miller.

Sir John Miller declared, he never was in any other room at Somerset Place but that of Mrs. Brown, whom he had long known, and that he had no other ground for what he had asserted, that what he had seen in that room, and the belief which what he had there seen had suggested.

Mr. Hussy.

Mr. Hussy observed, that he had been the person who started the doubt respecting the furniture of Somerset Place, and had opposed its being charged to the Public. He was glad now to learn, that it was not to be so charged. He had uniformly, for many years, and under different Administrations, opposed the building of Somerset Place. It had proceeded so far, that it must now be finished; and he believed the Public wished it finished; but it was, nevertheless, necessary that the House should know that the money voted and issued towards it was rigidly and scrupulously applied.

Mr. Martyn.

Mr. Martyn observed, that he had never been within side of the building; but had found great difficulty in getting a sight

sight of the outside of it; and he thought the Public had an undoubted right to see, what had cost them so much money.

The papers were ordered to be printed.

The order of the day for the second reading of the Newfoundland fishery bill having been read, and the bill having been read a second time,

Mr. *Hopkins* stated some doubts entertained by his constituents, touching the probable operation of the bill, and the exercise of the powers granted to his Majesty in Council by its authority; respecting the cod fishery in the one instance, and the seal fishery in the other; and for believing that such doubts were not quite founded, he assigned his reasons. Mr. Hopkins.

Mr. Chancellor *Pitt* observed that the honourable gentleman appeared to have answered his own doubts, but he would confirm the reasons assigned by the honourable gentleman why they were not founded. Mr. Pitt then repeated such parts of his statement, when he opened the purport and objects of the bill, previous to his moving for leave to bring it in, as amounted to a proof, that there was no ground whatever for the fears entertained by the gentlemen alluded to by Mr. Hopkins. Mr. Chancellor Pitt.

Mr. *Edmund Bastard* member for Dartmouth, expressed his wishes that the bill had been introduced at an earlier part of the session, that it might have been more fully discussed and understood. His constituents did not mean to oppose it, but they had their fears that powers might be given under it, by his Majesty in Council, to the Governor of Newfoundland, which might be abused, to the great prejudice of the British fishers. Mr. Bastard went into a detail of the nature of the fisheries at Newfoundland, explaining the customs that prevailed there as to the rights of settling for the season, adopted under the article of the treaty of Utrecht, and since the last peace, under the 5th article of the definitive treaty, and the article on the same subject in the declaration signed and exchanged between the Duke of Manchester and the Count de Vergennes. He said that so far from molesting the French fishermen, they frequently molested our fishers, and by force dispossessed them of settlements, which, according to the usage of the fishery, they were fairly possessed of, in the right of earliest landing and erecting. He called the attention of the House to the different periods of the different fisheries for cod on the banks and at sea, for salmon in the rivers and brooks, and for seal, stating at the same time, the nature of the fur trade, and also of the fishery carried on upon the coast of Labrador, which would, he said, be knocked up, if those concerned in it could not return to Newfoundland to complete their cargoes. He spoke also of the growing whale fishery, and its capability of great improvement; and concluded with repeating the grounds of the anxiety felt by his constituents, lest the bill should Mr. Edm. Bastard.

should very materially affect the trade of the country, declaring at the same time, that his constituents had nevertheless great confidence in the care and prudence of his Majesty's Ministers.

Sir Grey
Cooper

Sir Grey Cooper renewed his objection to passing a bill of the nature with that before them, without having papers on their table to prove its necessity. Sir Grey spoke of the memorials, representations, &c. which, doubtless, must have been made to the Secretary of State by the French minister on the subject; and said, he hoped the right honourable gentleman would lay them before the Committee, as he had not done it in the past stages of the bill, declaring that it was altogether without precedent to call upon the House to pass any bill of the sort, without their having authentic documents before them to ground it upon.

Mr. Chan-
cellor Pitt.

Mr. Chancellor Pitt answered that he never would refuse the House any *necessary* information respecting that and every other important bill introduced by him, but he saw *no necessity* in the case before them for the papers alluded to. The House had the definitive treaty on their table, and that was the ground of the bill, which had for its object the enabling his Majesty more effectually to carry into execution the 5th article of that treaty, as explained in the declaration, which was also before them. With regard to the wish of the honourable gentleman, who had spoken last, that the bill had been introduced earlier in the session, that more time might be given for the bill to be discussed and understood, he declared, that his Majesty's Ministers had taken care to give the honourable gentleman's constituents full information respecting the bill, previous to its having been introduced into that House; and he assured the honourable gentleman that they should have full opportunity offered them for stating any objection in the Committee.

The bill was committed for the ensuing Monday.

The order of the day having been read for the House to go into a Committee upon Mr. Grenville's bill, for the better regulation of the trials of controverted elections, the Speaker left the chair, and Mr. Smith took his seat at the table.

The Committee then resumed their consideration of the clauses, where they had left off on Monday, and went through the remaining clauses; the bill was ordered to be reported on the morrow.

The House adjourned.

Friday, 30th May.

Mr. Fox.

Mr. Fox observed that, as a particular account of the distributions of the sums expended, in consequence of the trial of Warren Hastings, Esquire, had been before the House during the space of some days, he wished to know when the honourable

A. 1788.

D E B A T E S .

honourable gentleman who moved for the account, and said, he had doubts relative to a part of the general heads stated in the account, meant either to bring forward the said doubts, or declare whether they still left upon his mind the same impression.

Mr. *Burges* answered, that in his humble opinion, he had sufficiently done his duty in calling for the papers. They were now before the House, and an opportunity was open to every gentleman to form his sentiments upon the subject. What his doubts were, he imagined, must suggest themselves to every gentleman who read the accounts, and therefore he left to persons, who had more weight and authority in that House than he had, to take the matter up; but if no other person should, and the House should call upon him to bring the subject forward, he was perfectly ready to obey their commands. Mr. Burges.

Mr. *Sheridan* observed, that the sort of way, in which the matter had been treated, was a little extraordinary. The honourable gentleman, if his recollection did not greatly deceive him, had, on a former day, said, that he had his doubts upon one of the heads of the general account, but that he could not say whether those doubts were well founded or not, before he saw a more particular statement of the items of the accounts; that particular statement had now been presented some days, and the honourable gentleman had just declared, he still entertained his doubts, but that he left it to other gentlemen to move the discussion. Mr. *Sheridan* added, that he wished the honourable gentleman would either act upon his doubts, or get some other gentleman to take his doubts up for him, and act upon them. From what had already passed in that House upon the subject, the matter ought not to drop without a farther investigation. Mr. Sheridan.

Mr. *Burges* answered, that if the House thought that it was now more peculiarly his province to bring the subject forward, he had not the smallest objection to take the task upon him, and in that case, he believed the proper way would be either to move "that the papers be referred to a Committee of the whole House;" or to give notice of a day on which he would state his sentiments upon their contents. Mr. Burges.

Mr. *Chancellor Pitt* recommending the latter mode, Mr. *Burges* gave notice for the ensuing Friday.

Mr. *Chancellor Pitt* called upon Mr. *Sheridan* to know, when the honourable gentleman meant to bring forward his promised discussion of the operation and effect of the commutation act? Mr. Chancellor Pitt.

Mr. *Sheridan* answered that from the right honourable gentleman's pressing so much to know when he would bring forward the discussion of the commutation act, he was persuaded that the right honourable gentleman entertained strong hope, that he would not be able to introduce the investigation Mr. Sheridan.

tion of it during the course of the present session. The right honourable gentleman, however, ought to recollect, that there were gentlemen in that House who had no inconsiderable share of important duty to discharge elsewhere. It was well known that he had been employed for some time past in managing the prosecution of a charge of at least *some* magnitude in Westminster Hall. It was not very fair, therefore, pending such a business, to call upon him to say, when he would bring forward the discussion of a very different subject in that House. This he could assure the right honourable gentleman, that as soon as he had summed up the charge he had been managing, he would, if the House was likely to sit long enough, give notice the very next day, that at the distance of two or three days only, he would bring forward the discussion of the effects of the commutation act.

Mr. Chan-
cellor Pitt
Sir John
Miles.

Mr. Chancellor *Pitt* declared himself perfectly satisfied.

Sir *John Miles* observed that as the House had agreed to postpone the consideration of the slave trade till the next session, he thought some ground ought in the interim to be laid by way of preparative for the discussion of the subject. He had not (Sir John said) made up his mind upon the question, as to the abolition of the slave trade altogether, but as a preparative for the consideration of the whole of the subject early in the next session, he begged leave to move,

“That an humble Address be presented to his Majesty, that he will be graciously pleased to direct, that there be prepared, in order to be laid before this House on the next session of parliament, Copies of all Acts of Assembly passed in the several British Colonies, and now in force therein, for the government of their slaves.”

The motion was agreed to

Sir John likewise made another Motion of a very copious and comprehensive nature, including accounts of all instructions sent over to the Governors of the West India Islands, touching the regulation and management of their slaves, copies of all correspondence between the Secretaries of State and the Society for propagating the Gospel in foreign parts, and any other persons, or person, &c. &c.; which motion was negatived.

The House having resolved itself into a Committee to take his Majesty's message relative to a pension of 1000*l.* a year to the Duke of St. Alban's into consideration,

Mr. Chan-
cellor Pitt

Mr. Chancellor *Pitt* moved a resolution, that the Chairman move the House for leave to bring in a bill for the same.

Mr. Hus-
sey.

Mr. *Hussey* asked, whether the pension moved for was an extension of the pension list, or only a substitution of the pension formerly paid to preceding Dukes of St. Alban's?

Mr.

Mr. Chancellor *Pitt* explained, that in lieu of a claim upon certain duties on logwood, a pension of 1000*l.* per annum had been granted in 1704, to the Duke of St. Alban's then existing; that the said pension had been since granted to his Grace's successors; that it had ceased to be paid since the year 1786, the last Duke of St. Alban's not having made a claim of it. That as Mr. Burke's bill restrained the Crown from granting pensions in any one year to a larger amount altogether than six hundred pounds a year, without the consent of Parliament, until the amount of the Pension List should be reduced down to ninety-five thousand pounds a year; and as the Pension List was not reduced to that sum, although it was reduced every year upon the average nearly eight or ten thousand pounds a year, by Pensions falling in, it was necessary to apply to Parliament on the present occasion.

Mr. *Hussey*, not clearly comprehending Mr. Chancellor *Pitt*, he reworded his question, which Mr. *Rose* answered.

The Resolution was agreed to.

The House adjourned.

Monday, 2d June.

The Petition of Lord Newburgh having been referred to a Committee of the whole House,

Sir *Herbert Blackworth* observed, that the subject was so well known to the House, that he need not trouble the Committee with any discussion of it, but would merely move, "That the House be moved for leave to bring in a bill to allow Lord Newburgh 2500*l.* a year out of the rents and profits of the Derwentwater estate, situated in Cumberland, Northumberland, and part of Scotland."

Mr. *Fox* reminded the Committee, that it was four or five years since Parliament had interposed its authority in favour of several families, whose estates had been forfeited in consequence of their ancestors having joined in the rebellion; that he had at the time, endeavoured to call their attention to the case of Lord Newburgh, which was certainly extremely hard, and which he had then observed, deserved the attention of the House as much as that of any other family, however respectable. As the sum now proposed to be given to Lord Newburgh, by way of annuity, was extremely moderate, he thought the least that could be done, would be to put his Lordship on the same footing in point of time of the annuity's commencement, with those families who had received back their estates, and therefore he trusted that there could be no reasonable objection to making the proposed bill retrospective, and let the annuity commence four or five years back,

back, whatever the period was, when the forfeited estates, to which he alluded, had been restored.

Mr. Rose. Mr. Rose wished the motion had been made when Mr. Chancellor Pitt was present, and observed, that the motion stated the sum specifically to commence from the present time.

Sir Herbert Mackworth. Sir Herbert Mackworth remarked, that he meant to have left a blank for the sum to be paid Lord Newburgh; but having been informed, that it must be stated in the motion offered to the Committee, he had inserted it.

Sir James Johnstone. Sir James Johnstone reprobated the severe custom of withholding the property of any family, on account of the conduct of their ancestors in a cause with which they had no concern. The Pretender was now dead, and all fear of the renewal of any question on the subject of a right to the Crown at an end. Surely then, it should not be said, that men's estates were withheld from them as a punishment for their adherence to their religious principles.

Mr. Chancellor Pitt having taken his seat, Mr. Fox restated his former argument, and urged the justice of Lord Newburgh's claim to have four years arrears paid him, upon whatever should be the sum the House was willing to allow him out of the rents and profits of the estates of his ancestors.

Mr. Chancellor Pitt. Mr. Chancellor Pitt answered, that no gentleman could be more inclined than he was, to go as far as possible for the advantage of the noble Lord in question, considering his case as an extremely hard one. He thought they might fairly fix the commencement of the annuity at a period somewhat earlier than the present; but that three or four years arrears appeared to him to amount to too large a sum to levy on a public charity; and as he understood the motion must specifically state, not merely the sum to be allowed, but the whole of that sum, he wished the honourable Baronet to withdraw it for the present, and make it on the morrow, in order to allow time for consideration.

The motion was accordingly withdrawn.

The Order of the Day having been read for the House to resolve itself into a Committee of the whole House on the bill to remedy certain inconveniences that might prevail in the mode of transporting Africans from the Coast of Africa to the West India Islands,

Lord Penrhyn. Lord Penrhyn wished to know what was the intention of the patrons of the bill; whether in the evidence they meant to adduce, they meant to confine themselves to the immediate object of the bill, or whether they designed to go into the general spirit of the slave trade at large?

Sir

Sir *William Dolben* said, he had all along expressly stated, that he meant to confine himself strictly to the single circumstance of the mode of transporting the natives of Africa to the West Indies. Sir William Dolben.

The question being put, " That the Speaker do leave the chair," Mr. Whitbread took his seat at the table, and counsel were called to the bar.

Mr. Piggott opened as counsel against the bill, and began with stating himself to be under a considerable difficulty in respect to the sort of case that he ought to lay before the Committee, in consequence of the patrons of the bill not having previously stated the evidence they meant to call in support of it. Mr. Piggott desired to be instructed by the Committee whether he should proceed to prove, that if the number of negroes to be shipped were to be governed by the tonnage of each vessel, and that only one was to be allowed to each ton, the trade would be impracticable; or whether he was to make out a case of another kind, and to prove a negative, by shewing from evidence, that the inconveniences which had been talked of did not exist.

Mr. Fox observed, that, in his opinion, the counsel against Mr. Fox, the bill had their option of one or two modes of proceeding, by adopting either of which they might equally promote the interest of their clients; they might either prove to the Committee, that any reduction of the number of Africans now put on board each vessel, would go the length of ruining the slave trade altogether, or they might, by evidence, instruct the Committee how to fill up the blanks of the bill, by shewing what was the number of Africans that they might be limited to, without putting those who were concerned in the trade in any danger of being material sufferers by the regulation; or if the counsel thought it was for the benefit of their clients, (though he could not avoid embracing a very different opinion) they might waive all opposition to the bill then, and after letting the Committee fill up the blanks, oppose it on the report, and shew that the bill, filled up as it was, would produce such an effect on the trade in general, that it ought not to pass into a law.

Mr. Chancellor Pitt concurred in opinion with Mr. Fox, Mr. Chancellor Pitt. but hoped, after the opposers of the bill had of themselves first desired to be heard against the bill at the second reading, and afterwards consented to be heard against it before the Committee, that they would not again alter their method of proceeding, and postpone the evidence they meant to call still longer.

Mr. Gascoyne spoke of the difficulty and embarrassing the Mr. Gascoyne. merchants of Liverpool and London laboured under, having first to state evidence against the bill, and that evidence re-

meaning to be afterwards counteracted by evidence to be brought in support of the bill. Mr. Gascoyne said, if he understood the right honourable gentleman the last time the subject of the bill was under consideration, he had declared that all he wished was to keep the trade *in statu quo*, exactly where it was, without alteration between that time and the next session.

Mr Chan-
cellor Pitt

Mr Chancellor Pitt explained, that he had not nakedly stated it to be his wish to keep the trade exactly where it was, but that in consequence of the resolution of the House to postpone the consideration of the general question till the next session, it became their duty to receive a bill, proposing to have for its object the prevention of any increase of abuses that might exist in a particular branch of the trade, and if no abuse existed, the creation of abuse that it was possible might arise in consequence of the House's having pledged itself to go into the consideration of the question in the course of the ensuing session.

Sir William
Dolben

Sir William Dolben said, the honourable gentlemen had brought up petitions from persons praying to be heard against the bill the House had complied with the prayer of the petitioners, and he now conceived it to be incumbent on the petitioners to state in argument by their counsel, or in evidence by their witnesses, whatever they had to say against the bill. He should, afterwards, as he had all along professed to do, proceed to lay evidence in support of the bill before the Committee.

The counsel were directed by Mr. Whitbread to proceed; and they called Mr. Norris to the bar, who stated himself to have been in the African trade about five years, but that he neither had at present, nor meant to have, any further concern in it. Mr. Norris underwent an examination of upwards of four hours continuance, being questioned by Lord Penrhyn, Mr. Gascoyne, Mr. Chancellor Pitt, Mr. Hufsey, Mr. Beaufoy, Sir William Dolben, Sir Charles Middleton, Mr. William Smith, Mr. Grenville, Alderman Le Mesurier, and other Members.

Mr. Norris's examination being closed, Mr. Smith made a few remarks on it, and then the Chairman was directed to report progress, and ask leave to sit again.

Mr. Whitbread made his report, and the Committee was ordered to sit again.

The House adjourned.

Tuesday, 3d of June.

The House having resolved itself into a Committee of the whole

whole House on Lord Newburgh's petition, Mr. Burton in the chair,

Sir Herbert Mackworth, after a few prefatory words, moved, " That leave be given to bring in a bill for charging " several estates in the counties of Northumberland, Cum-
" berland, Durham, &c. with a clear rent charge of 2,500l.
" payable to the grandson of the late Charles Earl of Newburgh (the
" right honourable Anthony James Earl of Newburgh) and
" the heirs male of his body, to commence from the 27th
" day of March, 1787."

Mr. Alderman *Newham* said, he knew not whether that was the fit time or not for him to state what occurred to him upon the subject, but perhaps it was as proper as any other moment. Greenwich Hospital, he owned, had ever been with him a favourite foundation; he considered it a national benefit; and what every man who wished well to the navy, the natural bulwark of the kingdom, ought to feel a desire to support. He could not, therefore, approve of saddling the fund of Greenwich Hospital with 2,500l. a year proposed to be paid to Lord Newburgh. He conceived Lord Newburgh's case to be oppressive, and he had not the smallest objection to granting him the sum proposed. But, if the annuity ought to be granted, his opinion was, that it ought to be paid out of the public purse, and not out of the fund of Greenwich Hospital, a public charity of the first character and importance. He hoped, therefore, that the bill, if the annuity was to be charged upon Greenwich Hospital, would contain a pledge, that no farther claims should ever be made upon it on a similar account, but that the Hospital should be set at quiet completely in this respect.

Mr. Ald.
Newham.

Sir Herbert Mackworth did not conceive it possible for those who might be appointed to bring in the bill, to insert any pledge in it, that no farther claim should be made on the Derwentwater estate. Their object was, to secure an annuity of 2,500l. to the present Lord Newburgh. If the worthy magistrate would be so good as to attend the Committee to whom the bill should be referred, and bring up any clauses to advance his purpose, he had no doubt but that the Committee would receive them with every mark of attention in their power.

Sir Herbert
Mackworth

Mr. Alderman *Newham* contended that it was highly necessary that the House should either pay the annuity out of the public purse, or give the Hospital its *quittance*, as to any subsequent claims. That subsequent claims might be made, was more than probable. Indeed the House had already heard of one on the account of some female relations of Lord Newburgh. If the House wished to deal generously by Lord Newburgh, they ought to deal justly by the Hospital. When

Mr. Ald.
Newham.

- a man

a man gave away what was his own, he was generous; but not when he gave away the property of others. The Derwentwater estate was the property of Greenwich Hospital; a property conveyed by act of Parliament; and therefore the House had no right to make a farther disposal of it. In conclusion, Mr. Newnham observed that, upon this occasion, he begged to be understood as adverse to taking the annuity to be granted to Lord Newburgh out of the fund of Greenwich Hospital, and as decidedly of opinion, that if it were proper to be granted at all, the Public ought openly and avowedly to grant it themselves.

Mr. M. A. Taylor.

Mr. *M. A. Taylor* declared that he approved of the worthy Magistrate's objection, though, at the same time, he believed Lord Newburgh's case so hard, as to deserve immediate attention. Greenwich Hospital, he had reason to believe, was at present by no means in a state to spare any considerable sum out of its revenue. Their expenditure had of late been great, and the charge incurred by their having to rebuild their chapel, in consequence of the late fire, he had the best authority for saying, was so large, as materially to have diminished their sum in hand.

Mr. James Johnstone.

Sir *James Johnstone* observed that it had been his constant opinion, that Lord Newburgh had a right to his whole estate, and therefore, if he was willing to accept an annuity of 2500l. a year, in lieu of it, the House ought to consider it as a good bargain for the Public. Greenwich hospital ought to receive the especial countenance of that House on every occasion. He had once before mentioned another hospital, and it was worth while for the Committee to consider the different expences of that and of Greenwich Hospital. Greenwich Hospital stood Government and the Public in no more than twelve guineas a man for every seaman it supported, while Chelsea Hospital cost the Public twenty-nine pounds odd shillings for every soldier lodged in it. With regard to the withholding the estate of Lord Newburgh, and of other descendants of Scotch Peers, on account of their predecessors' political conduct long ago, it was extremely hard; indeed so hard, that he had never heard of any thing equal to it, except the damning all mankind, because Eve, our great grandmother, ate an apple.

Mr. Jolliffe

Mr. *Jolliffe* declared, that the charging the annuity upon Greenwich Hospital, appeared to him to be ridiculous, because he thought, either the whole of the estate of his ancestors should be restored to Lord Newburgh, or the Public ought to grant him the annuity themselves. What he principally rose for, was, to move an amendment to the motion. Mr. Jolliffe said, there was a lady living (aunt of Lord Newburgh) upon very scanty means, which, narrow as they were; she

she was under the necessity of deriving from the bounty of the King of France. *That*, he trusted the Committee would agree, ought not to be the case; and as he was well assured Lord Newburgh would allow his aunt whatever addition the Committee might think proper to make to his proposed annuity, which had been stated to be extremely moderate, he meant to move an addition to the sum proposed; but, in order to obviate the possibility of objection, he should only move for a single hundred pounds to be added to it, and that instead of the words "two thousand five hundred pounds," be inserted the words "two thousand six hundred pounds" per annum.

Mr. Fox remarked that, as he could not avoid regarding Mr. Fox, the annuity proposed as extremely moderate indeed, and considering all the circumstances of the case, as short of what, in his opinion, ought to have been the annuity granted to Lord Newburgh, he should, of course, vote for the proposed amendment.

Mr. Chancellor Pitt trusted that the right honourable gentleman would excuse him, if he imputed what he had just said, to his wish to take every possible opportunity of proving his desire that Lord Newburgh should be still more amply provided for than was proposed, than to his conviction of the propriety of the amendment; because he was persuaded if the right honourable gentleman had considered the amendment with the attention and acuteness that he generally applied to such matters, he must have seen that it ought not to pass. Mr. Pitt declared, that no man would more readily agree to any fair proposition in favour of Lord Newburgh than he would. But, in adjusting every question of the sort, the right honourable gentleman would, doubtless, acknowledge, that the only fit way of proceeding, was to govern what was to be done by some principle or other, and not to make the motion arbitrary, and as accident or caprice directed. What principle then could be taken as a guide in the present instance? In the first place, it must be admitted, that Lord Newburgh had no legal claim of any sort on the Public; still, however, he was ready to say, that although his case was by no means similar to those to which it had been compared, it had in some respects sufficient similarity to intitle it to be considered as a hard case, and to induce him to consent to the relief that was proposed. Feeling it to stand in that respect, what were they to look to? No man would contend, that the present income of the Derwentwater estates was to be taken as the principle. It must be remembered, that the estates of Lord Newburgh's ancestors consisted of two parts:—the one, estates that; had they not been forfeited, would have been his Lordship's in right of strict settlement;

tlement; the other, estates from all claim to which he had been barred, in consequence of the question of alienage having been decided against him. Mr. Pitt said, he did not mean to go into the discussion of any of these points at present; but, it was necessary for him to state them, in order to show that the estates, which would have been his in right of strict settlement, were those only to which Lord Newburgh could reasonably look for restitution or compensation. In regard to them, it was to be considered, that the estates had been greatly improved since they had been in the hands of the Governors of Greenwich Hospital, who had expended near eighty thousand pounds upon them, in order to render them as valuable as they were at present. They had also laid out considerable sums to discharge the incumbrances upon them at the time of their forfeiture, and had, likewise, paid a sum of thirty thousand pounds granted to the ancestors of the present Lord Newburgh. These several sums, therefore, must all be deducted from the value of the estate, and then, what remained, would be found to be the rents that Lord Newburgh might reasonably claim. These considerations had governed him, in consenting to the present motion, which was grounded on the principle that he had laid down. As to any increase of the sum settled, because an honourable Member, without shewing any ground for such an assertion, loosely said, that if Lord Newburgh had any addition made, he would give that addition to another person, upon whom no part of the estate had been entailed, and who had no claim upon the Public whatever, Mr. Pitt declared, he never would consent to such an addition; it was a departure from every thing like a principle, and the Committee might with as much reason vote two thousand seven hundred pounds or two thousand eight hundred pounds, or any other sum, as two thousand six hundred pounds. If a case in favour of the lady could be made out, let such a case be produced, and let the House vote her an allowance distinctly and separately; but he knew of no such case, and therefore the right honourable gentleman who spoke last must excuse him, if he repeated, that he rather imputed his having seconded the motion of amendment to his wish, to shew his readiness to serve Lord Newburgh on every occasion, than to any serious belief that the amendment ought to be adopted.

Mr. Fox answered, that he really had seconded the motion for the reasons stated by the honourable gentleman who proposed the amendment, because he thought the sum moved for, fell short of what it ought to amount to; and because he considered it as reasonable to enable Lord Newburgh to make a better provision for his distressed relation than he otherwise would be enabled to do. Mr. Fox said, that, in the consideration

ration of the subject, though he perfectly agreed with the right honourable gentleman that it would be better to govern what was done by any principle, no matter what, rather than let it depend on the favour or fancy of the moment, yet he did not think that a sufficient attention had been paid to Lord Newburgh's claims upon the Public. No man could deny that the money laid out on the estates by Greenwich Hospital on their improvement, the money spent in paying off incumbrances upon the estate at the time of the forfeiture, and the thirty thousand pounds granted to the ancestor of Lord Newburgh, were all to be deducted from the value of the estate; but still there was something like a claim to be allowed in respect to the other estates, those to which Lord Newburgh's claim was legally barred by the decision of the question of alienage. Every man who knew any thing of landed estates in this country, knew that a landed estate of two thousand five hundred pounds a year, was infinitely preferable to an annuity of two thousand five hundred pounds. It was not merely the income that the land carried with it. Every gentleman knew, it carried with it a variety of other advantages, and, in the case in question, very considerable patronage. These were, undoubtedly, circumstances of material consideration. With regard to the aunt of Lord Newburgh having no legal claim, surely, it would be admitted, that every head of a family, possessed of a considerable estate, was looked up to by the younger branches for support and assistance, if they needed either. If Lord Newburgh, or his ancestor, had holden the estate in their own hands, in all probability the aunt of Lord Newburgh would not have been involved in such distress and poverty as she had experienced for a number of years.

Mr. Jolliffe hoped that the right honourable the Chancellor of the Exchequer would no longer suppose, that there was no ground whatever for his proposed amendment. He believed, the right honourable gentleman who spoke last, had laid in some unanswerable grounds for it. As to whether Lord Newburgh might or might not allow his aunt the additional hundred pounds a year, if it were granted, he spoke from good authority, when he said, he knew Lord Newburgh would make his aunt that allowance; and he was sure, that Lady Charlotte Ratcliffe could maintain herself with such an allowance much more comfortably than she could at present. With regard to his not having moved for more than an addition of one hundred pounds a year to the sum first proposed, the reason was, he had not sufficient confidence in the right honourable gentleman's generosity to think that he would consent to allow a large addition, and therefore he had not ventured to move for more, and when it was considered

Mr. Whitbread.

ered that it was to make an old woman happy, he hoped the Committee would consent to the amendment.

Mr. *Whitbread* said, if Greenwich Hospital was poor, and wanted assistance, let the House vote a grant of five thousand pounds, and give it the Hospital; but not on a plea of the wants of Greenwich Hospital refuse to do what appeared to him to be an act of justice to Lord Newburgh.

The question was put, "That the words two thousand five hundred pounds stand part of the question," and carried.

Sir Herbert Mackworth then quitted the chair, and the report being made to the House immediately, a bill was ordered to be brought in.

The House having then resolved itself into a Committee on the slave transportation bill, Mr. Whitbread in the chair,

Lord Penrhyn desired that Mr. Norris might be called to the bar, to explain a part of his evidence delivered on Monday. Mr. Norris was called accordingly, and Mr. Smith, and other members, examined him.

Mr. Matthews was afterwards called to the bar, and examined, which being finished, the House immediately adjourned.

Wednesday, 4th June.

No debate.

Thursday, 5th June.

The order of the day being read for taking into consideration the report of the controverted election bill, some amendments were read and agreed to. The bill was afterwards re-committed, when two clauses were moved by Mr. Grenville, and accepted. A clause, enacting, that the nominees should in future be chosen out of the House at large, instead of being named by the parties, was also moved by Mr. Popham, but rejected on a division, the whole Committee being against it to one for it. The bill was afterwards reported.

Lord Maitland now moved a clause to give a power of referring the question of the right of election, to the decision of a third Committee, in cases where the decision of the first Committee that tried the question of the seat, should be different from the decision of the second Committee, that was by the bill ordered to be chosen to try the question of right separately.

This clause occasioned some conversation, being strenuously supported by Mr. Bastard, Mr. Wyndham, Mr. Hussey, Sir Grey Cooper, Mr. Strachey, and other gentlemen, and

and as strenuously opposed by Mr. Grenville, who gave his reasons for thinking that a second Committee was a sufficient and safe tribunal, ultimately to decide the question of right.

Mr. Chancellor Pitt supported Mr. Grenville's argument, and at length the House divided,

Ayes, for the clause, 29; Noes, 41.

The bill was then ordered to be engrossed.

The House adjourned.

Friday, 6th June.

Mr. Chancellor Pitt rising, remarked, that he should conceive no dissimilarity of opinion would be found to affect the principle of the business to which he meant to call the attention of the Committee, although, perhaps, some difference of sentiment might be entertained as to the mode and distinctions, which he should conclude it his duty to propose, in order to carry the principle into effect. What he had to submit to the consideration of the Committee, was the suggestion to be made to the American Loyalists, for the final liquidation and adjustment of their claims, on account of losses sustained by them in consequence of their adherence to this country during the late American war. The American Loyalists, in his opinion, could not call upon the House to make compensation for their losses as a matter of strict justice; but they, most undoubtedly, had strong claims on their generosity and compassion. In the mode, therefore, that he should propose for finally adjusting the claims of the American Loyalists, he had laid down a principle with a view to mark this distinction; and he had adhered to it throughout the various quotas of compensation that he should propose to be made to the various classes of Loyalists, the more clearly to ascertain and establish it. Having premised this, Mr. Pitt stated the different descriptions of Loyalists who had preferred their claims before the Commissioners appointed to inquire into American claims; claims which had undergone their investigation, and been noticed in their reports then before the Committee; and he divided the different descriptions into classes, informing the Committee that he proposed to adopt a principle in the first instance, and follow it up in every other. In the first class, he considered and ranked all those who had resided in America at the commencement of the war, and who, in pursuance of their principles of loyalty and adherence to this country, were obliged to abandon their estates and their property in America, which were, in consequence, seized and confiscated by the Americans. The mode he meant to adopt with respect to this class of Loyalists, whom he considered as the most deserving, and

Mr. Chancellor Pitt.

as having the strongest claims of any description of Loyalists, would be to pay those, whose claims were so small, that any deduction from them would materially affect their means of existence with any sort of comfort, the full amount of their claims. He should propose, therefore, to pay all such Loyalists whose claims did not amount to more than ten thousand pounds, whatever their claims should amount to, and to deduct fifteen per cent from all that their claims should amount to, over and above the first ten thousand pounds, if under thirty thousand pounds, and an additional per cent ge if from thirty thousand pounds to fifty thousand pounds. He assigned as a reason of proposing that the fifteen per centage should be deducted from the excess only of the Loyalists claims over and above the first ten thousand pounds, that if such a rule were not laid down, and the fifteen per cent. were deducted from the first ten thousand pounds, it might happen that those claimants, whose claims amounted to a trifling sum above ten thousand pounds, would receive a less compensation than those whose claims, though they did not amount to quite ten thousand pounds, amounted to very near that sum. He stated what the highest amount of any of the claims of this class of claimants would be, and what would be the amount of the deduction upon the whole, which would not, he said, be great; but, as his object was the ascertainment of the principle with regard to the right, it was still worth while to adhere to it. The next class of claimants that he should advert to, was the class of those who, having resided in England during the war, had exhibited claims on the score of the loss of property in America. These certainly had not the merit of the former class, because they could not pretend that they had been driven from America, nor could they lay any stress on their having been forced to sustain their loss in America under the same circumstances. Since of necessity they made their option; and it was natural to suppose, that they chose that, which, in point of advantage and satisfaction, was the best for themselves. At the same time, however, that this remark was necessary, he was far from thinking, that because they chose to remain in England, and protect their property here, they were not entitled to expect some compensation from that House for the loss of their property in America. They undoubtedly were; and he should propose, in like manner, as he had proposed with respect to the former class, that all the claimants of this second description, whose claims were under ten thousand pounds in amount, should be paid in full; but that, from all whose claims amounted from ten thousand pounds to thirty thousand, a deduction should be made of twenty per cent. and a farther deduction from all whose claims amounted to above thirty thousand,

thousand, and under fifty thousand; and a still farther deduction from all above fifty thousand up to one hundred thousand, and so on in proportion. It happened, that the highest of the claims of this class under fifty thousand pounds was one of twenty-three thousand; and above that, there was no other, except the claim of Mr. Harford, which was, as it stood liquidated by the Commissioners, two hundred and ten thousand pounds. Applying, therefore, the principle which he had before mentioned, to the claim of Mr. Harford, the sum, after the several deductions, would be found to be fifty thousand pounds, which, considering all the circumstances of the case, was, he thought, a very handsome compensation for that House to make.— But, Mr. Harford, he understood, had two other claims upon America for debts of ten thousand pounds each. He meant, therefore, that Mr. Harford should receive the full amounts of those sums. The next class of claimants, were those Loyalists, who, having either enjoyed places, or exercised professions in America, had, by being driven away in consequence of their loyalty to this country, lost their incomes. With regard to these, it was to be considered, that though they had been driven from America, they were able to obtain fresh incomes in this country, by exercising their talents and their industry in different ways; he should not, therefore, propose to give them equal incomes to those they had been deprived of, by way of pension, but was of opinion, that they ought to consider themselves as liberally dealt by, if all who had been deprived of incomes, not amounting to more than four hundred pounds a year, were put upon half pay; and others, whose incomes in America had amounted higher, (and some, he said, amounted as high as fifteen hundred pounds a year, and one as high as three thousand) should be paid ten per cent. on the first four hundred pounds a year of their income, and a certain per centage on all above that sum, the per centage being governed by and diminishing in proportion to the increased amount of the income claimed. With respect to the West-Florida claimants, he should propose to pay them the full amount of their claims, because they stood in a very different predicament from the American claimants, having, in consequence of a peace, which ceded Florida to another power, and which that House had agreed to, been obliged to quit their habitations and property in West Florida. Having expatiated on these various classes of claimants, and stated, that although the amount of their claims was two millions odd hundred thousand pounds, exclusive of the four or five hundred thousand pounds that had been already advanced at different periods, he said, he should move a general resolution for the amount of that sum, to be issued in debentures, bearing

ing three and a half per cent. interest, which would, he thought, be nearly equal to a ready-money payment; and he had, on a former occasion, hinted his idea of proposing, with the approbation of the Committee, that the whole sum should be paid off by instalment, by means of a lottery, till the whole should be cleared. That, however, was matter for farther consideration; it was sufficient for the present, to move, "That 1,228,739l. should be voted to the several American claimants for losses, &c. and 113,952l. 14s. 3d. to the Florida claimants." The report to be received on the ensuing Monday.

These resolutions having been read by Mr. Gilbert, Sir Edward *Ashty* observed, that he knew it was frequently the custom for Committees of that House to vote away millions, without a syllable being said; and therefore, upon the present occasion, he wished to trouble the Committee with a few words. When the subject of the claims of the American Loyalists had last been under consideration, he had taken the liberty of asking the right honourable gentleman, if he had seen a pamphlet on the subject, which had been sent round to the Members of that House; and to this question, the right honourable gentleman was pleased to answer, that he had read the pamphlet. Sir Edward declared, that he had, at the time, alluded to certain distinctions between those American Loyalists who had fairly and boldly stepped forward at the commencement of the war, and declared in favour of this country, and such others, as had by false intelligence, and other means, fomented the quarrel, and inflamed the minds of the people of England against America. In consequence of what he had then remarked, Sir Edward informed the House, that he had been regarded by the newspapers as a systematic opposer of the claims of the American Loyalists. He had, therefore, determined, to take the first opportunity which should offer to clear his character from such an aspersions. He was no enemy to the Loyalists; no opposer, generally, of their claims. On the contrary, he thought that House bound in honour and justice to pay them due attention. All he wished was, that a line might be drawn between the deserving and the undeserving. He had lately conversed with two of the Commissioners appointed to examine those claims, who had perfectly satisfied his mind upon the subject, by assuring him, that great attention had been paid to the distinction of merit and demerit, and as he took it for granted that the several divisions and deductions from the claims of the several classes stated by the right honourable gentleman that day, had been governed by an attention to the distinction to which he adverted, he could have no objection to the motion, and those that were to follow it.

Mr.

Mr. *Hussey* declared that he was not yet satisfied by his Mr. *Burke's* mind whether he ought to vote in favour of the present motion. He professed himself not competent to decide upon it. What he wished to be satisfied in, by those gentlemen who understood the subject better than he could pretend to do, was, whether the claims of the Loyalists were founded in right or not, or whether the voting such sums as were then proposed, was a mere matter of favour and liberality. Mr. *Hussey* adverted to the pamphlet that had been mentioned by Sir Edward Aisley, and said he had read it with all possible attention; and that it appeared to him, that the resolutions of that House, stated in the pamphlet, in some sort authorized the Loyalists to look up to them for compensation for their losses; but before he could consent to vote for the motion, he desired to have his doubts resolved.

Mr. *Burke* observed, that he felt extreme concern at discovering that an honourable gentleman of so enlightened a mind, and of the purity of whose intentions, on all occasions, no man could in the smallest question, had any doubts or objections to the present motion. He never gave a vote with more satisfaction, Mr. *Burke* said, than he should give his vote for the present motion, because, though the Loyalists had no claim upon the House founded in strict right, (which must necessarily be a liberty, and could admit of no modification whatever, but must be fully satisfied to its utmost extent, whatever that might be) yet the House was bound in honour and justice to take their claims into consideration. Mr. *Burke* assured the Committee, that such a mode of compensating the claims of the Loyalists would do the country the highest credit. He said, it was a new and a noble instance of national bounty and generosity. At the Restoration, he remembered the case had been widely different. There the poor Bishops, who had been so long deprived of their sees, were deemed well off to obtain their sees again, and the sum of eighty thousand pounds was all that the House had voted for the King to distribute among the Loyalists, though it was a well-known fact that the Marquis of Worcester alone had lost an estate of three hundred thousand pounds. Mr. *Burke* descanted on these historical facts, and said, it was, he owned, a solid satisfaction to his mind, that he had uniformly voted against every question that led to the consequences that laid the Committee under the necessity of coming to the vote then proposed; he should, nevertheless, cheerfully vote any sum, however large, upon the account stated, because, though the American war had been carried on by the voice of a majority, all were involved in the promises of that majority; and the Loyalists had certainly heard, from the first authority in the state, that if they

they had lost their property, and joined the King's army, or came to England, they should receive protection and support. That pledge was sacred, and ought to be faithfully fulfilled. With regard to the mode proposed of making the compensation claimed, he thought it both liberal and prudent, neither too large on the one hand, nor too small on the other; and he gave the right honourable gentleman credit for having made the divisions, and distinguished the deductions to be taken from the claims of the different classes of Loyalists. It did this country honour, inasmuch as it shewed our attention to the different extent and force of the claims of the several claimants; and it would not have done them honour, had they expected to have been paid the full amount of those claims, because it would have proved, that they had no real principle of loyalty to inspire their conduct, but that they joined the side that they had joined, under a certain expectation of running no risk whatever, but of receiving back the whole of their property. After observations on the good effect of such a liberal line of conduct, upon which he founded hopes, that if any thing would, *that*, at one day or other, might effect a renewal of ancient amity and connection between America and Great Britain, and after rejoicing that America had not had the honour of compensating the Loyalists for their losses, which would, he said, have been a wise way of setting up in the world for themselves, Mr. Burke concluded, with giving his assent to the motion.

Lord West-
cote.

Lord *Westcote* rose to say a few words on that part of the right honourable gentleman's speech, in which he had touched on the question, that had induced the consequence which obliged that Committee to come to the vote then under consideration, and entered into a defence of the conduct of Government in those respects, it being at the time evidently the sense of the greater part of the nation that the war should be pursued. His Lordship, before he sat down, declared, that although he could not answer for each individual claimant, yet that he had the satisfaction to hear from some of the American Loyalists, that the mode and extent of compensation proposed to be given them by the right honourable gentleman would prove satisfactory to them collectively.

Sir James
Johnstone.

Sir *James Johnstone* declared, he had entertained doubts of that fact, and was exceedingly happy to hear that the proportions of deduction, as well as the mode of payment that had been proposed, would prove satisfactory to the American Loyalists, who, in his mind, had a claim upon the justice of that House.

Sir William
Dolben.

Sir *William Dolben* remarked, that there was a species of American Loyalists, who were not, he believed, included in any of the classes of claimants stated by the right honourable gentleman,

gentleman, but who were equally well entitled to the consideration of that House; and these were the benighted clergy of America, who had been deprived of their livings.

Mr Chancellor *Pitt* begged leave to interrupt the honourable Baronet, merely for the sake of saving time. He said, the persons alluded to, were comprehended in that class of Loyalists, which was termed the class of persons deprived of their incomes.

Mr *M. A. Taylor* observed, there was a particular gentleman, by profession a surgeon, who had followed the army in America, and had an undoubted claim to the attention of Parliament. Mr. Taylor asked, whether a neglect in this gentleman to prefer his claims, would deprive him of a right to make them, or take from their merit? Mr. Taylor stated the particulars of the gentleman's case.

Mr. Chancellor *Pitt* answered, that claims of the description stated by the honourable and learned gentleman, neither were included in the motions he had read, and meant to propose, nor could they be taken into consideration by that Committee, to which the claims of such Loyalists as had been reported by the Commissioners, were alone referred, whose sole objects had been loss and loyalty.

Mr. *D. P. Coke* reminded the Committee, that the right honourable gentleman had last year said, there was one description of claimants, whose claims, in his mind, had little merit, compared with those of another class, that they certainly stood in to very different a point of view, that he knew not whether he should even consent to grant them any compensation. The right honourable gentleman had, at the time, alluded to what he had now brought forward as his second class of claimants, that consisting of those persons, who, having been resident in England during the war, had suffered losses in America. Mr. Coke said, he knew some worthy individuals in that class, whose claims he thought merited attention; and with respect to Mr. Harford in particular, he perfectly approved of the right honourable gentleman's proposition; but there was another class of claimants, whose claims, as liquidated and reported by the Commissioners, ought, in his mind, to have been satisfied in full, and those were the American Loyalists, who had been resident in America when the war broke out. Among the description of claimants, one case peculiarly hard, was that of Col. Philips, a most meritorious man, who deserved every possible mark of attention and favour. Colonel Philips had a landed estate of 40,000*l.* a year, when the war broke out, and he had seven children. During the war, he had rendered the most important services to the British cause, and he could not think the demand of such a man should pay any part of

the 40,000l. that had been his property. Mr. Coke expatiated on the merits of Colonel Philips, and said, he would make a motion to the effect: "That it was the opinion of the Committee, that the losses of the American Loyalists before the war commenced, be made good, without any diminution." He added, that he hoped the House would approve of such a motion, and not suffer the character of the country to stand impeached for a paltry ten per cent.

Lord Westcote.

Lord *Westcote* rose to explain, that he had expressly stated that he could not answer for individuals, but that he had understood from some of the American Loyalists, that as a body, and collectively considered, they believed the present propositions would give them perfect satisfaction.

Mr. Fox.

Mr. *Fox* declared that, in his opinion, the giving the Loyalists relief was not a matter of liberality, nor a matter of compassion, but what they had a strict right to; not a right to a full payment of their unqualified claims, but a strict right to a compensation for what they had suffered: such a compensation as that House should, upon due consideration, think fit to make them; and, therefore, the strict right that he alluded to, differed only in definition, but not in point or effect, to the strict right alluded to by the right honourable gentleman over the way. Mr. *Fox* said, he felt some sort of difficulty in speaking on the subject. It was well known he had at times expressed not the most favourable opinion of some of the Loyalists, nor of the motives that had actuated their conduct, and did continue to actuate it during the war. He would, however, for the present, dismiss all that sort of feeling from his breast, and speak solely to the question before the House. Whatever he might think of some individuals among the Loyalists, none in that House were of opinion that they had a just claim to compensation than he had; but not a claim to the whole of their demand. To act by them upon any such preposterous idea, would be making many of them stand in a better situation than they would have done, had the war taken a different turn, and ended differently than it did. What was proposed was, in his opinion, an ample compensation. The right honourable gentleman over the way, he thought, had proposed not only fairly and properly, but happily and generously. Had the Loyalists known even before they took their option, and joined the British side of the question, that they would have been at all events compensated in the manner now proposed, and that the risque would have continued such, subject to the chance of success on our part, he must have been a dastardly wretch indeed, who, besides a predilection for one side, who would not have ventured such a risque. At the same time (Mr. *Fox* said) he did

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not think the right honourable gentleman had acted too generously. The American Loyalists were all meritorious to this country, by doing, to their risque, what the Parliament required of them, and therefore, they were entitled to a compensation, but by no means to a full compensation, as proposed by the right honourable gentleman who spoke lately (Mr. Coke) had said, and therefore he held himself bound to vote against his proposed motion.

Mr. Chancellor *Pitt* declared, that he received peculiar satisfaction from the concurrence of the right honourable gentleman, but he did not think, however, it might add to the popularity of the measure, that it ought to be conceived to be more liberal than it really was. He felt it to be his duty, therefore, to state, that the distinction attended to by an honourable Baronet, who had spoken early in the Debate (Sir Edward Ashley) between such Loyalists as were more deserving than others, on account of their political principles, had not been made in respect to the present motion. The Commissioners had not had it delegated to them to make any such distinction, and if they had not thought it right to make it, he certainly could not be expected to have made it. In fact, no such distinction could be made, nor, in his mind, ought it at that time to be adverted to. With regard to the observation of the right honourable gentleman, that if the Loyalists had been paid in full, they would have been better off, than even if the war had ended differently, he could not assent to this idea; but, they, certainly, had no sort of claim to a full repayment of all they had lost. He was, nevertheless, of opinion that the line should be liberally drawn, and a handsome compensation made. What he had proposed was (he trusted) in the general contemplation of the Committee, a liberal and a handsome compensation, and left the Loyalists without a plea for complaining that they had been hardly dealt by, all the circumstances of their case, and the case of this country, considered. With regard to what the honourable gentleman had said, to whose labours some time since, the Public were doubtless indebted for much important information (Mr. Coke was one of the original Commissioners) and on which account it was very natural that the honourable gentleman should feel anxiously for the Loyalists, he could by no means agree, that because Colonel Philips was a meritorious officer, that on his account singly, a principle ought to be departed from. Let the honourable gentleman recollect, that as the case stood, Colonel Philips's representatives would receive 50,000*l.* out of a claim of 62,000*l.* and Mr. Harford would only receive 50,000*l.* out of a claim of 210,000*l.* He trusted, therefore, that the Committee would

Mr. Chan-
cellor Pitt.

not think of making any such alteration as that stated in the honourable gentleman's proposed motion.

Mr. Cole. Mr. *Cole* declared, that he had spoken his individual sentiments without conceit of any kind with another person. He really thought as he had spoken, but if he felt the sense of the Committee to be against him, he certainly would not make any motion, because he never would oppose his private opinion to the sense either of a Committee of the House, or the House itself. With regard to the Loyalists being in the perfect friends, however, by the proposed motions, he would by no means consent to that assertion. Was it no hardship for many of them to have been kept out of their estates, and the receipt of their rents for fruit on vines together, and to have been starving in this country all the time? He conceived it was, and that it was one reason why those claimants who had been resident in America at the commencement of the war, and been driven from the country, ought to be paid their claims in full, especially Colonel Philips's family, which being so numerous, and their father's merit so great, were entitled to peculiar consideration.

Sir Matthew White Ridley asked, as he had not misunderstood the right honourable gentleman with respect to Mr. Harford's claim? Was it true, as he understood the right honourable gentleman to state, that although Mr. Harford's claim had been 230,000l. that he was to receive only 50,000l. and that Colonel Philips's family were to receive the sum? He meant not to enter the least circumstance disrespectful to Colonel Philips, who, he was willing to believe, was a meritorious a Loyalist as his honourable friend had described him; but, surely, no equitable scale of deduction could warrant such an extraordinary adjustment of two claims of such very different amounts.

Mr. Fox. Mr. *Fox* asked, what the grounds of the settling Mr. Harford's claim, as reducing it to 50,000l. were; for he had not heard them?

Mr. Chancellor Pitt. Mr. *Chancellor Pitt* repeated that part of his opening speech, which he had delivered before Mr. *Fox* had entered the House, and explained, that Mr. Harford was the only instance in the second class of claimants, who had a claim to a larger amount than 23,000l. In that class he had proposed a deduction of 20 per cent. in the first instance (from all over and the first 10,000l. up to 30,000l.) and that deduction to increase in regular progression upon every fifty pounds upwards; tracing which principle truly, it would (he said) be found, that Mr. Harford's claim of 210,000l. (for it was not 230,000l. as stated by the honourable Baronet) was ultimately reduced to 50,000l. and small as that sum was in proportion to the claim, no man could say, it was not a comfortable

A. 1788.

DEBATES.

fortable subsistence, and he had no scruple to avow, that he thought it a handsome gift on the part of the country. He reminded the Committee, that there being no intermediate instance between 23,000*l.* and 210,000*l.* he was obliged to follow up the principle, and draw the line, which he had endeavoured to do fairly, and when it was recollected that it was not likely, had the war ended more fortunately, that he would ever have been able to recover the whole of his estate in America, it was surely enough, and he hoped the Committee would be of that opinion.

Mr. Fox remarked, that if there was any hardship in the sort of scale which he was persuaded the honourable gentleman was not aware, as he really gave him credit for meaning to act generously and liberally with regard to the Loyalists, at any rate, although it bore hard on Mr. Harford, he was glad to find, if it must fall any where, that it should fall on those who possessed the largest property, and who could consequently best bear the blow. It was, however, a hardship on Mr. Harford, and he would shew the right honourable gentleman where it arose from a departure from the strictness of his own principle. The right honourable gentleman had said, every claimant, who had demanded under 10,000*l.* should receive the whole, and he had then stated for all above 10,000*l.* and under 30,000*l.* fifteen per cent. should be deducted, assigning as a reason for taking so wide a distance as from 10,000*l.* to 30,000*l.* and charging the deduction only upon the excess over the 10,000*l.* that if any claimant whose demand amounted to but a trifling sum more than 10,000*l.* were to be liable to a deduction of 15 per cent. upon the whole, he might possibly receive a smaller compensation, than the claimant whose debt was only a trifle under 10,000*l.* If the right honourable gentleman, therefore, had followed up this sort of principle, and governed the size and amount of his per centage deduction, strictly, letting the fifteen per cent. operate upon the excess between ten and thirty thousand pound, then imposing an additional per centage between thirty and fifty, and another between fifty and an hundred, and thus, in progression; all this, as far as the allotment could have applied to Mr. Harford's case, must have secured to him more than 50,000*l.* for his own portion.

Mr. Chancellor Pitt begged leave to return his thanks to the right honourable gentleman who had reminded him of a circumstance he had over-looked; for, he had just discovered, that there was one claimant above 30,000*l.* and yet not reaching to 44,000*l.* upon which, if the 15 per cent. strictly operated, that claimant might receive a smaller compensation than a claimant for something under the sum of 30,000*l.*

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but he could not perceive that Mr. Harford's claim could, upon any fixed principle, be altered; if it could, he should not have the smallest objection, as he had endeavoured to draw the line fairly, without the smallest communication with any of the parties, Mr. Harford being at that hour utterly ignorant what the Committee were likely to do with his claim.

Mr. Fox. Mr. Fox repeated his hint, that under any other scale of deduction, the result of the sum to be paid, must have been improved.

Sir George Cornwall. Sir George Cornwall recommended a particular case which Mr. Pitt said might be made a part of the specifications of a new bill as reasons for the further continuance of Commissioners, but could not come under the notice of the present Committee.

Sir William Dolben. While Mr. Chancellor Pitt was busy in making calculations at the table, Sir William Dolben again urged the special provision for the claims of beneficed clergy, who (he said) ought to be considered as men possessed of freeholds, and not classed with the holders of usual incomes.

Mr. Hussey. Mr. Hussey generally approved the Chancellor of the Exchequer's division of the classes, and his arrangement as to the deductions, but he thought Mr. Harford's case rather severe, and that the debentures ought to bear a better interest than three and a half per cent. Mr. Hussey said, he was a friend to economy, but one or two hundred thousand was a trifling consideration, where the national justice was pledged.

Mr. Wilmot. Mr. Wilmot observed that the acts of Parliament granting powers to the Commission appointed to inquire into the claims of the American Loyalists did not authorize them to inquire into the demerits of any description. He rejoiced that the stage of the inquiry was come, when the Loyalists were to receive the ultimate settlement of their claims, and he thought the propositions liberal, although he owned he had ever expected, that what the Commissioners reported, was to have been the amount of the sums paid to the Loyalists.

Mr. Matthew White Ridley. Sir Matthew White Ridley still persisted in his endeavours to procure an enlargement of the sum to be allowed Mr. Harford, stating that his original claim had been 700,000*l.* and declaring that he thought 50,000*l.* but a paltry compensation for such a loss, and the more especially, when Mr. Harford had gone over to America and spent 13,000*l.* of his English fortune in endeavouring to recover his estates across the Atlantic.

Mr. Chancellor. Mr. Chancellor Pitt answered that the real fact was that Mr. Harford would receive 50,000*l.* as proposed, under the resolution

resolution to be moved, and 20,000*l.* without any deduction for the full amount of two debts of 10,000*l.* each; and, therefore, gain an indemnification (which, he must confess, he thought liberal) to the amount of 70,000*l.*

Mr. *Drake* rejoiced in the candour, generosity and honour Mr. *Drake* which marked the conduct of the Committee. It was a great consolation to his mind, that they were unanimous in their readiness to make the American Loyalists a compensation.

Mr. *Matthew White Ridley* again enforced his argument, and added that, under the will of that person through whom Mr. Hatford inherited the property, he was forced to pay 20,000*l.* fortune to his sister. Mr. Matthew White Ridley.

Mr. *Chancellor Pitt* observed that, upon this subject, he could only repeat that, according to the principle he had laid down and been obliged to apply to Mr. Hatford's case, he would receive 50,000*l.* compensation, and 20,000*l.* for two debts of 10,000*l.* each. Mr. Chancellor Pitt.

Mr. *Wyndham* saw no advantage in adhering strictly to the right honourable gentleman's scale in respect to Mr. Hatford, because, according to the scale, if carried up to the possible extent of a very large sum, the claimant for the largest sum would be found to receive the smallest compensation.

Mr. *Fox* strengthened Mr. *Wyndham's* argument, and showed that carrying Mr. *Pitt's* principle as he had traced it up, did not operate equitably between the claimant of a large sum and the claimant of a smaller, the latter having, out of all sort of proportion, the advantage. If the right honourable gentleman had traced his rule regularly, Mr. *Fox* said it would have given Mr. Hatford more than 50,000*l.* and further, if the rule laid down was in his favour, if regularly traced, it was hard he should have any part of his fortune withheld in because the right honourable gentleman had not traced it regularly. Mr. *Fox* again pointed out how the scale ought to have been traced, admitting that had it been so traced, he should have increased the percentage at different stages of the gross demand, in proportion as it swelled or increased. Mr. Fox.

Mr. *Matthew White Ridley* rose once more to state as a fact, that Mr. Hatford had married his sister, Mrs. *Wyndham* and Lady *Lden*, and paid each of their fortunes. Mr. Matthew White Ridley.

Mr. *Chancellor Pitt* observed that he could not then trace the right honourable gentleman's (Mr. *Fox's*) scale correctly, but he found it would probably amount to 90,000*l.* instead of 50,000*l.* He owned that 90,000*l.* was more than he thought ought to be given, and as the right honourable gentleman had contended that he should have increased the per

per centage deduction gradually, in proportion as he considered the increase of the demand, allowing for that sort of increase, it would make the medium between 50,000*l.* and 20,000*l.* which was 10,000*l.* and to such a compensation he did not mean to make the least objection.

This proposition gave satisfaction to all sides of the House, and after a question from Mr. Pulteney, and a few words from Alderman Sawbridge, the amended resolution passed.

Sir William Dolben. Sir *William Dolben* next read the petition of the benefited loyalist Clergy and enforced their requisition by a motion.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* replied as before, that they had an ample provision by being put on half pay, as a sinecure, and might find the means of acquiring additional incomes, by the exercise of their talents and their industry in this country.

Sir William Dolben. Sir *William Dolben* said, he acquiesced, in what he saw to be the sense of the Committee.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* then moved the resolution to pay the inhabitants of West Florida a full compensation of their losses, amounting altogether to upwards of one hundred thousand pounds, which was agreed to.

Mr. Burges. Mr. *Burges* now rising, observed that he wished, if possible, to satisfy the call of a right honourable gentleman, who, on a former day, had desired him to state his doubts respecting the articles in the account of the expences incurred by the trial of Warren Hastings, Esq. Mr. Burges repeated the circumstances that had led to such a call having been made upon him, and then proceeded to explain what his doubts were. The first of them he stated to be a doubt whether the House had authorized the managers to employ counsel; a doubt whether there was any precedent for their employing counsel; and, in case the House had not authorized them to employ counsel, and that there was no precedent for it, a doubt whether there was any peculiar circumstance of difficulty in the nature of the present prosecution, that made the assistance of counsel necessary? Mr. Burges argued these doubts separately and distinctly. He said, it would not, he should suppose, be denied that the House had not given any authority to the managers for the employment of counsel, and he could not find any precedent for the assistance of counsel having been either required or granted in such prosecutions. At the same time he conceived, it was not one of those sort of prosecutions, that required the special assistance of counsel. Only two legal points had yet arisen in the progress of the cause, that of the guarantee, and that of the year 1783. Whatever legal difficulties might offer, there were learned gentlemen now on the Committee of Managers to remove every obstacle,

stacle, and solve every doubt. Having expatiated on his doubts respecting the employment of counsel, he proceeded to state doubts on the difference between the two bills that had been delivered to the House by the solicitors for the prosecution at different periods, and pointed out the particulars in which that difference consisted. These were in the total amounts, and the charges on account of sums paid to counsel, and the charge of the solicitors' expences. He dwelt on these differences, reasoning upon each, and declaring that it struck him, as if two more counsel had made a part of the clause in the first bill, than in the second, since, in the second, a sum equal to the difference was transferred from the charge of money paid to counsel, to the charge of expences incurred by the solicitors. He went into calculations to shew, that the sum divided different ways would warrant the supposition of a different number of counsel being employed. He said, that 805*l.* was not the whole of the expence incurred; but that, in fact, it amounted to full 15,000*l.* at present, and with the clerks' fees of the two Houses, &c. it would doubtless amount to 18,000*l.* before the session closed. Mr. Burges concluded with moving, "That Messrs. Wallis and Troward, solicitors for the prosecution, do from time to time present an account of the expences incurred, at the bar of the House."

Mr. *Burke* observed that he rose not, either to second or *Mr. Burke* to resist the motion. Before he seconded, he must approve a motion; before he opposed it, he must feel a strong reason for meeting it with his negative. In the present case he felt no powerful propensity either way. He could not, however, avoid offering his warmest congratulations to the honourable gentleman, (Mr. Burges) on his having chosen that glorious day, after the triumph of the morning, to bring forward a business of such an important nature. It was the honourable gentleman's choice of filling up the happy interval between their adjournment from Westminster Hall, and the rising of the House, with calling them to the examination of the items of a solicitor's bill, which alone was fit to follow his first onset within those walls, when he had stood up, and boldly ventured for a long time, singly and unseconded, to call for the attention of the House, after every other Member had been stricken dumb with astonishment and admiration at the wonderful eloquence of his honourable friend, who had that day again surprised the thousands who hung with rapture on his accents, by such a display of talents as were unparalleled in the annals of oratory, and as did the highest honour to himself, to that House, and to his country. For his part, Mr. *Burke* added, his mind was not sufficiently let down from the height of exaltation

to which it had been raised: it required a degree of bending, of wetting, and of relaxation, to sink his thoughts to the level of such an inquiry as that to which the honourable gentleman had called their attention. After such a sublime and glorious feast as the morning had afforded, the honourable gentleman's curious speculation on minute particulars convinced him that Providence had intended that man should not be proud, but that ecstacy of the mind should be checked and cooled by some sudden concomitant of mortification and disgrace, so that, under any circumstances, it should be impossible for a human being to escape long from having some proof of natural infirmity thrust before his sight. He again congratulated the honourable gentleman, therefore, on his choice of a day, declaring, that if ever there was a day made to dignify the nation, made to dignify human nature itself, it was that very day. Of all species of oratory, of every kind of eloquence that had been heard, either in ancient or in modern times; whatever the acuteness of the bar, the dignity of the senate, or the morality of the pulpit, could furnish, had not been equal to what that House had that day heard in Westminster Hall. No holy religionist, no man of any description as a literary character, could have come up, in the one instance, to the pure sentiments of morality, or in the other, to the variety of knowledge, force of imagination, propriety and vivacity of allusion, beauty and elegance of diction, and strength of expression, to which they had all that day listened. From poetry up to eloquence, there was not a species of composition of which a complete and perfect specimen might not have been culled, from one part or the other of the speech to which he alluded, and which, he was persuaded, had made too strong an impression on the minds of that House to be so soon obliterated, as to render such a coarse dish of soups as the honourable gentleman had set before them, at all palatable. There was, Mr. Burke added, no conquest of man over man, like that of genius over injustice; instead, therefore of resolving themselves into a Committee of petit accounts, they ought, like the Romans, after Scipio's victories, to go and thank the gods for that day's triumph! In conclusion, Mr. Burke declared that he disdained to take notice of such a subject as the honourable gentleman had stated to the House. If the honourable gentleman doubted, or any man doubted, the solicitors' charges, let them call the solicitors to the bar, and examine them. For his part, he would continue to order such services as he thought proper, till the House should think proper to command him to desist.

Mr.

Mr. Fox said, if there be any thing in that account which the honourable gentleman had commented upon, worth inquiry, let it be inquired into. He and the Managers had nothing to do with it. The subject had come under discussion for no less than three different days; and he could not avoid remarking that he thought it a little hard, that those, on the other side, who appeared to concur with them, and to agree that they had nothing to do with it, should, nevertheless, suffer it to be again brought forward, and the same things repeated respecting it. If his astonishment could be raised at all at the paper just delivered, Mr. Fox observed, it would be raised in the highest degree—he was going to say, at the ridiculous parsimony with which a prosecution of such magnitude and importance was carried forward. If the honourable gentleman had done what was said, he would have stated his doubts before. The first account contained the subject of his doubts as well as the second; and the latter gave him no sort of information respecting them, which the second did not convey. With regard to the honourable gentleman's declaration, that only two points of law had occurred, if the honourable gentleman, instead of spending his time in the neat calculations he had so nicely made, had examined the charges already gone into, with all his profound skill in arithmetic, he would venture to say he would have found more legal points than he could easily have counted up. In respect to the employment of counsel, he believed it was a new thing to employ counsel on such a prosecution; but he was persuaded from his own experience that the assistance of counsel had been and would be indispensably necessary to the safe conduct of the cause. The expenses of the prosecution of Mr. Hastings stood upon the same ground with every other species of public expenditure, and he saw no reason why, after the House had appointed Managers for the conduct of the prosecution, the House should not give them a much confidence with respect to a prudent management of the expenditure entrusted to their superintendence, as they gave the particular departments which presided over any other peculiar head of public expenditure.

Mr. Drake observed that although he approved of the present motion, yet after the rebuff which his honourable friend had met with, he was almost afraid to utter one syllable in its favour. He declared that he fully acceded to the compliments passed on the oration delivered by the honourable gentleman Mr. Sheridan, and he confessed that he had that day listened to all that was great and grand, ornamental and elegant. Virtue had been aggrandized, and vice debased; if he was not a natural lover of virtue, he protested he

should that day have been made a convert to it. He nevertheless must ever stand up the avowed friend of economy. The Managers, undoubtedly, were no way answerable for the correctness of the accounts on the table. They were engaged in attention to nobler objects, and in loftier pursuits; but surely that was no reason why his honourable friend, and himself, or rather he (for he would speak only for himself) being a man of humbler faculty, might not attend to matters of the dry and less elevated nature of the bills in question.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* observed that, undoubtedly, the Managers were intitled to the confidence of the House, and whatever assistance they declared they seriously thought was necessary for the safe conduct of the cause, he would be ready to say, they ought to be authorized to procure. He would speak fairly. With respect to the number and description of the counsel, he had entertained some doubts in his own mind, whether it was necessary that two civilians should be employed. If the right honourable gentleman thought that they were requisite; and, from what he had already said, he conceived that he tolerably well understood his mind upon the subject, he was ready to declare that they ought to be employed. With regard to the strict caution necessary in respect to expence; that question, important as it was, ought to be governed with due attention to the nature of the case. As to the differences between the first and second account that had been presented, they were matters undoubtedly referrible to the solicitors, and not the Managers.

Mr. Fox.

Mr. *Fox* observed, that although he hoped it was not expected that he should go the length of declaring that all the counsel employed were so necessary; that if one was taken ill and obliged to be absent, the case could not proceed, [Mr. *Pitt* said, oh! no.] he was ready to declare again that he did think every one employed was materially useful to the prosecution; and as to the civilians, the right honourable gentleman knew as much of the case as he did; he would have been aware that they could scarcely proceed without them, and that one of them was most eminently useful, not for excelling the other in point of ability, assiduity, or professional skill, but for his deep, complete, and thorough knowledge of the subject.

Mr William Dolben.

Sir *William Dolben* remarked that although he had scarcely recovered from the effect of the "whiff and wind" of the right honourable gentleman's (Mr. Burke) fell arm, yet he ventured to second his honourable friend's motion, because he thought it the duty of that House to attend to such objects. Sir *William* defended Mr. Burges from the ridicule
of

A. 1788.

DEBATES.

of Mr. Burke, and said, though in the discharge of his duty, his honourable friend had condescended to notice the subject under consideration, he had talents equal to the moving in a higher sphere.

Mr. *M. A. Taylor* declared he considered the motion as a paltry attempt to cast a slur on the Managers; and therefore, although he had withdrawn and not divided on the former debate, he was determined to take the sense of the House. Mr. M. A. Taylor

Mr. *Dundas* said he had given, and would continue to give confidence to the Managers; but as the question of the counsel was settled, and the rest of the bill referred to matters agreed on all hands to lay with the Board of Treasury, he saw no use in persisting in the motion, and proceeding to a division; he would therefore prevent it, by moving the next order of the day, by way of previous question. Mr. Dundas

Mr. *Bouvier* observed that when he was forced to speak, he was apt to speak out; he considered the motion as no other than a *little* attempt to insinuate some imputation against the Managers. Mr. Bouvier

Mr. *Burke* approved of the right honourable gentleman's proposition of putting an end to the debate by moving the order of the day, but wished to call the solicitors for the prosecution immediately to the bar, to solve the honourable gentleman's doubts on the subject of the difference of the items in the two accounts. Mr. Burke said, he understood the cause of the difference between the two bills to have arisen from the solicitors having been called upon to make out a bill as well as they could, and to have made out their second bill when they were more at leisure, and when they were in consequence able to be more correct. Mr. Burke

The *Solicitor General* wished that they might not be questioned, as that would imply a doubt of their veracity, and they were, he said, men of character, above all suspicion. Mr. Solicitor said, that nothing was more common than for solicitors, suddenly called on for a bill, to fall into error, which they remedied by making out a new bill. Mr. Solicitor General

Sir *M. W. Ridley*, Mr. *Hussey* and Mr. *Martin*, all spoke against the motion, as a motion introduced with a view to disgrace the Managers. Sir Matthew White Ridley

At length the order of the day was put and carried.

The House adjourned.

Monday, July 9th.

Upon this day, no material debate took place; but the following resolutions claim the attention of our readers.

Mr. Gilbert, according to order, reported from the Committee

mittee of the whole House, to whom it was referred to consider of the statement of the claims examined by the Commissioners appointed to inquire into the losses and services of the American Loyalists, with the amount of the sums reported by them to be due to each class, and also the estimate of the probable amount of such farther claims as remain to be examined; and also, of the statement of the number and amount of East-Florida claims received, the number and amount of liquidated claims, and the sum at which they have been liquidated by the Commissioners appointed to inquire into the losses of all persons who have suffered in their properties in consequence of the cession of the province of East Florida to the King of Spain, made up to May 30th, 1788, the resolutions which the Committee had directed him to report to the House; which he read in his place, and afterwards delivered in at the table, where the same were read, and agreed to by the House, and are as followeth, viz.

Resolved,

That provision be made for satisfying the claims of the several persons who have suffered in their rights, properties, and professions, in consequence of their loyalty to his Majesty, and attachment to the British Government, during the late unhappy dissensions in America, amounting to the sum of one million two hundred and twenty-eight thousand two hundred and thirty-nine pounds.

Resolved,

That all persons, who have suffered in their rights and properties during the late unhappy dissensions in America, in consequence of their loyalty to his Majesty, and attachment to the British Government, in the classes No. 1, 2, 3, 5, 6, and 7, contained in a statement of the claims examined by the Commissioners for inquiring into the losses and services of the American loyalists, with the amount and the sums reported by them to be due to each class, up to the 5th day of April, 1783, shall receive the full amount of such losses as far as the same do not exceed the sum of ten thousand pounds, and shall also receive, where the amount of such losses shall be above ten thousand pounds in the whole, and not above thirty-five thousand pounds in the whole, ninety pounds per centum of such part of the said losses as shall exceed ten thousand pounds; and where such losses shall be above thirty-five thousand pounds, and not above fifty thousand pounds, eighty-five pounds per centum of such part of the said losses as shall exceed ten thousand pounds; and where the same shall be above fifty thousand pounds, eighty pounds per centum of such part of the said losses as shall be above ten thousand pounds.

Resolved,

Resolved,

That all persons who have suffered in their rights and properties, during the late unhappy dissensions in America, in consequence of their loyalty to his Majesty, and attachment to the British Government, in the classes No. 4, and 8, contained in a statement of the claims examined by the Commissioners for inquiring into the losses and services of the American loyalists, with the amount and the sums reported by them to be due to each class, up to the 5th day of April, 1788, shall receive the full amount of such losses, as far as the same do not exceed the sum of ten thousand pounds, and shall also receive, where the amount of such losses shall be above ten thousand pounds in the whole, and not above fifty thousand pounds in the whole, eighty pounds per centum, of such part of the said losses as shall be above ten thousand pounds; and where such losses shall be above two hundred thousand pounds, thirty pounds per centum, of such part of the said losses, as shall be above ten thousand pounds.

Resolved,

That allowances should be made to such persons as have suffered during the late unhappy dissensions in America, in consequence of their loyalty to his Majesty, and attachment to the British Government, whose losses of income, arising from professions or offices, have been proved to the satisfaction of the Commissioners appointed by several acts, made in the 23d, 25th, 26th, and 27th years of his present Majesty's reign, and who are not already adequately provided for, in the proportion of fifty pounds per centum for every one hundred pounds of such annual income, not exceeding four hundred pounds, and of forty pounds per centum for every one hundred pounds of such income above four hundred pounds, where the value does not exceed one thousand five hundred pounds per annum in the whole; and where the value does exceed one thousand five hundred pounds per annum in the whole, then in the proportion of thirty pounds per centum, for every one hundred pounds exceeding four hundred pounds per annum.

Resolved,

That provision be made for satisfying the claims of the several persons who have suffered in their properties in consequence of the cession of East Florida to the King of Spain, amounting to the sum of one hundred and thirteen thousand nine hundred and fifty two pounds, fourteen shillings and three pence.

Ordered,

That a bill be brought in upon the first, second, third, and fifth of the said resolutions; and that Mr. Gilbert, Mr. Chancellor of the Exchequer, the Marquis of Graham, Mr. Edward

Edward James Elliot, Sir John Aubrey, the Earl of Mornington, Mr. Attorney General, Mr. Solicitor General, and Mr. Steele, do prepare and bring in the same.

Resolved,

That an humble address be presented to His Majesty, that he will be graciously pleased to give directions, that pensions be allowed to such persons as have suffered, during the late unhappy dissensions in America, in consequence of their loyalty to his Majesty, and attachment to the British Government, whose losses of income, arising from professions or offices, have been proved to the satisfaction of the Commissioners appointed by several acts, made in the 23d, 25th, 26th, and 27th years of his present Majesty's reign, and who are not already adequately provided for, in the proportion of fifty pounds per centum for every one hundred pounds of such annual income, not exceeding four hundred pounds, and of forty pounds per centum for every one hundred pounds of such income above four hundred pounds, where the value does not exceed one thousand five hundred pounds per annum in the whole; and where the value does exceed one thousand five hundred pounds per annum in the whole, then in the proportion of thirty pounds per centum for every one hundred pounds exceeding four hundred pounds per annum; and to assure his Majesty, that this House will make good such expences as shall be incurred on this account.

Resolved,

That an humble address be presented to his Majesty that he will be graciously pleased to order the sum of one thousand five hundred pounds to be issued to John Wilmot, Esquire, Colonel Robert Kingston, John Marsh, Esquire, and Robert Mackenzie, Esquire, respectively, Commissioners appointed to enquire into the losses and services of all such persons who have suffered in their rights, properties and professions, during the late unhappy dissensions in America, in consequence of their loyalty to his Majesty, and attachment to the British Government; and to assure his Majesty that this House will make good the same.

Resolved,

That an humble address be presented to his Majesty, that he will be graciously pleased to order the sum of three thousand pounds to be issued to the Commissioners appointed to enquire into the losses of all such persons who have suffered in their properties in consequence of the cession of the province of East Florida to the King of Spain; and to assure his Majesty that this House will make good the same.

Ordered,

That the said addresses be presented to his Majesty by such Members

A. 1788. D E B A T E S.

Members of this House as are of his Majesty's most honourable Privy Council.

Tuesday, 10th June.

Mr. Gilbert moved, that the report of the Committee appointed to examine the returns of the parish officers of the different parishes throughout the kingdom, be printed. Mr. Gilbert

Mr. Hussy contended for the necessity of taking some steps in this matter, and observed, that it should not be suffered to rest where it stood. The end of the act of last session had not been answered, since the returns were far from being perfect, and as it would, if the House proceeded no farther, be concluded, that the returns formed a correct register, it was highly requisite for the House to adopt some measure in order to shew their sense of the incompleteness of the report. Mr. Hussy

Mr. Orde complained that he and five other gentlemen stood charged in the report with a gross misapplication of a charity amounting to 1500l. a year. The fact was, that a gentleman, formerly of Barnard's Inn, ostentatious of his beneficence, left 700l. a year in trust to him, and five other trustees, for charitable purposes, and that all their acts had been sanctioned with the approbation of the Court of Chancery formally expressed. Mr. Orde contended, that so violent a misrepresentation ought not to go forth to the world under the authority of the House. Mr. Orde

Sir Joseph Mawbey complimented Mr. Gilbert on the pains he had taken, and the time he had spent on the subject, and declared he would give him every support and assistance in his power. Sir Joseph Mawbey

Mr. Gilbert remarked, that in consequence of the act of the preceding session, an account had been rendered of donations bequeathed and instituted under the wills of different persons, to the amount of 260,000l. a year. There was no doubt that many of the donations of a similar description were misapplied. He meant, therefore, to move early, in the next session, for some measures to be taken upon the ground of the report. Mr. Gilbert

The Speaker having explained to Mr. Orde, that the report dealt only in generals, and contained no specification whatever, the same was ordered to be printed.

The House adjourned.

Wednesday, 11th June.

Mr. Elphinstone, after shortly stating his complaint of being prevented from entering the passage leading to the House of Lords, by two men placed on the outside of the door, and by Mr. Baker, the doorkeeper, who, on being asked Mr. Elphinstone

by what authority they refused admittance, had answered that it was by order of Sir Peter Burrell, who had given them strict directions to suffer no person whatever to pass during the procession of the Peers to the Hall, moved that the complaint which he had made, upon the preceding day, might be read.

The Clerk having read the complaint of Mr. Elphinstone, and others, Members prevented from entering during the procession,

The Speaker asked Sir Peter Burrell, whether the door-keeper, in refusing admittance to the Members had done so in consequence of any orders given by him?

Sir Peter Burrell.

Sir Peter Burrell answered, that the door keeper had done no more than comply with the instructions which he had given him, in consequence of the Orders of the House of Lords, to keep the passages and avenues to the Court clear, during the procession of the Peers.

Lord Belgrave.

Lord Belgrave observed, that, in fact, when the procession commenced, the Members of that House ought to be in their place in the Court in Westminster Hall, with their Speaker, it was therefore a neglect of duty in any Member to be passing between the House and the Court when the procession was in its way thither.

Mr Elphinstone.

Mr Elphinstone considered the preventing a Member of that House from having, at all times, during its sitting, free admittance, a breach of their right and privileges. He meant no reflection on, or dishonourable Baronet (Sir Peter Burrell) for whom he had the highest respect, by the complaint which he had made; but, understanding that the order originated with the Lords, he conceived it his duty to make a complaint upon the least infraction of the rights of the Commons.

Lord Newhaven.

Lord Newhaven contended, that neither the Great Chamberlain, nor any other officer acting under the orders of the House of Lords, should be permitted to direct any of their doorkeepers.

Sir Joseph Mawbey.

Sir Joseph Mawbey maintained that no person on earth ought to prevent the Members from having free ingress and egress of their own house. It therefore, it was inconvenient to the Lords for them to pass through the ordinary passages during the progress of the procession of Peers, other entrances and ways of getting into the House ought to be opened for the convenience of the Members. Sir Joseph added, that he saw no sort of necessity for such a rigid strictness as had been adopted. He had himself repeatedly come too late to join the House, before it proceeded to the Hall, and had not experienced any difficulty in getting into the Hall, by watching for a fit opportunity to move in among the

A. 1788.

D E B A T E S.

the Lords, and get to this place. There were intervals in the procession of the Peers, that might easily be taken advantage of, without the smallest inconvenience to the Lords, or to any person whatever. He could not, therefore, but have wished, that no cause of complaint had been given, or that it had not been noticed to the House; yet, as it had been stated, it was impossible, he thought, for the House to pass it over without some sort of animadversion, which he hoped, would be as slight as possible, and the least offensive to the Deputy Great Chamberlain, who, certainly, had merited the approbation of all, for his attention to his duty during the whole time of the Court's sitting.

Lord *Belgrave* declared that so far from intending to move any thing hard upon the subject, he should move to put off the farther consideration of the complaint for three months. Lord Belgrave.

Mr. *F. Montague* remarked that those gentlemen who were so anxious to preserve the privileges of the House, were undoubtedly entitled to their thanks. It became every Member to be jealous on such a subject; but after what he had heard, and after having witnessed the active zeal and attention of the Deputy Great Chamberlain, he could not forbear seconding the motion of the noble Lord, whose conduct that day had given him great satisfaction, and whom, he hoped, he should have the pleasure to hear often. Mr. F. Montague.

Sir *James Johnstone* did not see why the trial could not proceed as it had done hitherto, without new rules and regulations. The Speaker had ~~gone~~ whensoever the Court sat, from that House with at least forty Members to Westminster Hall, and thus performed their part of the duty, and then the Lord Chancellor, attended by his guards, the heralds, had followed with the Lords, and performed their part. No obstruction had been before complained of, and he hoped no cause for farther complaint would arise. Sir James Johnstone.

Lord *Newhaven* observed that he thought the doorkeepers ought to be informed that they were to obey no orders but such as were delivered to them by the Speaker. Lord Newhaven.

The *Speaker* answered that the Serjeant at Arms was the proper officer to communicate the wishes of the House to the doorkeepers. The Speaker.

Mr. *Vyner* declared that he should have no objection to the motion of adjourning the farther consideration of the complaint for three months, if he was not afraid that it would stand upon the journals that the Members had been obstructed in passing to their own house, in consequence of an order of the House of Lords. To prevent Members from coming to the house at any part of the day, to examine papers, or to go to any Committee that might be

supposed to be sitting, was, undoubtedly, a breach of the privileges of the House, and ought not, on any account, to be passed over, when it was expressly stated to have been committed, in consequence of an order of the House of Lords. If the Lords could prevent the Members from going to their own house, they could shut the door up altogether. Thinking, therefore, that the cause of complaint was more serious than it might appear to other gentlemen, he must not only oppose the motion, but take the sense of the House upon it.

The strangers were desired to withdraw; and after

Mr. Burke. Mr. *Burke* observed that every practical degree of civility and accommodation was due from that House to the House of Lords, (who were the undoubted principals and presidents of the Court in Westminster Hall) the House divided, yeas 41; noes 15.

Lord New- Lord *Newhaven*, as soon as the House was resumed, desired to know who was the proper officer to communicate the orders of the House to the doork keepers?

The The *Speaker* said, the Sergeant at Arms.

Lord New- Lord *Newhaven* then read a motion, the purport of which was to order the Sergeant at Arms to inform the doork keepers that they obey no orders whatever but such as should be delivered to them by him in person.

The The *Speaker* observing the House very thin, reminded his Lordship, that he might with greater propriety make his motion upon the morrow.

Lord Newhaven acquiesced.

Mr. Elliot then moved to adjourn.

The *Speaker* put the question, but had not taken the sense of the House upon it, when

Mr Bou- Mr. *Bourne* rose, and said, he did not understand deferring a motion to another day, which might as well be disposed of then.

The The *Speaker* remarked, that the question of adjournment was before the House, and that it must be disposed of before any other question could be agitated.

Mr Joseph Sir *Joseph Mawbey* asked who had moved the question of adjournment?

The The *Speaker* said, he believed Mr. Elliot; but it certainly had been moved, for he should not have put the question upon it.

Mr Joseph Sir *Joseph Mawbey* contended, that as no person stood up to avow the moving of the question of adjournment, [Mr. Elliot had accidentally left the House] he had a right to say no such question was before the House; and therefore the honourable gentleman was entitled to have his motion discussed.

The

The *Speaker* answered, that there being a question before the House, was no bar to the discussion of any other question. The House had only to negative the question of adjournment, and so let in the honourable gentleman's motion. The
Speaker.

Mr. *Bouverie* complained that there appeared to be a sort of catch in the business, which was extremely unpleasant to his feelings. A noble Lord had proposed to make a motion, which he highly approved. A short conversation had taken place upon it, and all on a sudden the noble Lord had agreed to postpone it till the next day. If any good reason could be assigned for postponing it till the next day, Mr. *Bouverie* said, he should be glad to hear it, but he had not heard any such reason yet. Mr. Bou-
verie.

Sir *Peter Burrell* observed that, as an individual, he had no wish to prevent the discussion of the motion coming on then, but as a Member of Parliament he could not but express a desire, that so important a motion might be brought on in a fuller House, and when there were gentlemen present, who, he was sure, would wish to state their sentiments upon it. He declared that, armed with all the authority of that House, and with the powers deducible from the orders of the House of Lords, no man could tell the difficulty of daily conducting three thousand people out of Westminster Hall, without disorder and confusion, who had not stood more than once or twice in such a situation; a situation, in which, he did assure the House, he did not desire to stand often. He begged the honourable gentleman, therefore, to have so much confidence in him, as to belie him, when he said he had good reasons for intreating him to postpone his motion till the next day. The Court would not sit in Westminster Hall till Friday, and no bad consequence whatever could result from postponing the motion for a single day. On the other hand, if it were postponed, some step, in all probability, would be taken, that would render the motion altogether unnecessary. He begged it, therefore, as a personal favour to himself, that the honourable gentleman would have the goodness to postpone his motion. Sir Peter
Burrell.

Mr. *Bouverie* said, he felt no reason to expect a fuller house the next day. The honourable Baronet well knew the good opinion he entertained of him, but the honourable Baronet could not expect him to give up the privileges of that House, out of compliment to him or to any man whatever. He re-stated what passed, and concluded with stating, that as there would another day intervene before the Court sat again, he had no objection to comply with the honourable Baronet's requisition. Mr. Bou-
verie.

Sir *William Dolben* remarked, that it was necessary for him to inform his friends who had done him the honour to attend from Sir Willi-
Dolben.

from day to day, in expectation of the slave bill being proceeded upon, that he gave his consent to the question of adjournment, merely because he understood, that although the gentleman who had been sent down to Liverpool to ascertain the admeasurement of the African vessels, had not returned, important information upon the subject had been received in town, and some measure, decisive in its nature, with regard to the bill, would be taken upon the present day. On no other account would he agree to the motion.

M. Gas-
coyne.

Mr. *Gascoyne* informed the House, that adjourning the proceeding farther on the bill, was a measure taken without the concurrence of either his noble colleague or himself.

The House adjourned.

Thursday, 12th June.

Sir Peter
Burrell.

Sir *Peter Burrell* rising, in consequence of an intended motion, relative to the trial of Governor Hastings, declared that he could most sincerely assure the House, that no Member felt a more anxious desire to preserve the privileges of the House than himself; nor would any man whatever go farther to prevent their being infringed, at the same time, he must be allowed to say, that having the honour to hold an office under the House of Lords, he thought it his indispensable duty to execute the orders of that House, according to the best of his judgement, and in the most effectual manner. It was not for him, in his official capacity, to pronounce upon the meaning of the orders given him by the House of Lords, or to say, whether or fair construction they did, in any degree, amount to an infraction of the privileges of that House. The House, when they saw the order, would be able to judge for themselves, and his conduct in discharge of his duty, proved that it would bear the construction which he had conceived it to convey. Whether that was the true construction, or whether he had erred in his judgement, he knew not; but, as great bodies had often erred in judgement, it would not be wonderful if an individual should have erred in judgement likewise. He wished, however, before any motion was made, that might lead to consequences which every gentleman must feel an anxiety to avoid, that those who had proposed to bring forward a motion upon that day, would have the goodness to wait till the Court should have sitted one more day, and be guided by the event of that other day. If they then found that Members were obstructed in their way to the House, the motion could be brought forward; but if no inconvenience took place, he hoped it would be agreed that the motion must prove needless.

Mr. Bou-
vierie.

Mr. *Bouvierie* declared, that he absolutely thought, with his honourable friend, that it would be very unwise to make
any

any motion that should produce a disagreement between the two Houses. No man, he protested, was more anxious than himself to preserve the harmony that so happily subsisted between the two Houses; but it did appear, from the complaint that had been made, that the Members of that House had been obstructed in their way to their own House, in consequence of orders given to their doorkeepers by an officer of the House of Lords, in a way that, in his mind, would have justified personal violence; and had that followed, they must all acknowledge, that a difference between the two Houses most probably would have been the consequence — What he wished was, to prevent the possibility of such an impropriety's happening again; and in order to avoid offence, he had worded his motion, so as to make it co operate with the orders of the House of Lords, and produce the same effect. Mr. Bouverie then read his motion, which was as follows:

“ I hat no Member of this House do remain in, or cross, or pass through any part of the passage leading from the door of the lobby of this house to the gallery in Westminster-hall, or from the temporary door at the top of the stone staircase to the said gallery, during the time that the Court are in regular procession to and from the said Hall, and that the Serjeant at Arms attending this House, do keep clear the passage of Members at such times.” [The motion also, as originally read contained a sentence, purporting, “ That the doorkeepers do communicate the orders of the House to the Members.”]

Mr. Hussey seconded the motion, and upon its being read from the Chair,

Mr. Chancellor *Pitt* observed, that he by no means rose to oppose the motion, which he thought in no other way objectionable, but as to the wording of the latter part of it, which directed the doorkeepers to apprise the Members of the order, in order to effect their obedience. That, he conceived to be rather a disorderly mode of communicating the orders of the House, and such as was perfectly unnecessary, since all the Members were bound to apprize themselves of the orders of their own House. But what he rose principally for, was, to declare his opinion, that so far from the obstruction complained of upon the preceding day, being such as would have justified personal violence,* he saw no reasonable colour of complaint at all. This House had carried up articles of impeachment to the House of Lords, as a court of justice. The Lords were judges, and consequently had a power over their own court, in like manner as every other description of judges had a power over every other court of justice. They had an undoubted right to give such directions
Mr. Chancellor Pitt.
respecting

respecting every part of the trial, as should, in their opinion, be most likely to produce regularity, order, and solemnity. To question or to resist the exercise of such right, was to question the authority of the highest Court of Justice known to the constitution, and what he was persuaded no gentleman who thought it all upon the subject, would either attempt or countenance. But, exclusive of these latter considerations, it had been urged the preceding day, and he, very properly, in his opinion, that the Members, so far from obstructing the passage to the Court, during the procession of the Lords, ought to be in another place with the Speaker. That argument was sufficient to prove, that those Members who were in the House during the progress of the procession, were where they ought not to have been. Under due consideration of this innumerable argument, and a deliberate investigation of all the circumstances of the case, he was perfectly satisfied there was no ground in reason, either to accuse the Lords of having made the error, under which the Deputy Great Chamberlain had acted, with an view to infringe the privilege of the House, nor, indeed, any circumstance which, upon a fair construction of the circumstances, warranted it to be considered as an infringement of their privileges. At the same time, he said, he saw no objection to the motion, provided it was so altered in the wording of the latter part of it, as to remove the objection he had stated.

Mr. Bouverie
said.

Mr. Bouverie answered that he had not the faintest objection to adopt the necessary alteration that the right honorable gentleman had pointed out, allowing the alteration to be justly objectionable, and which he had not adverted to with sufficient attention.

Sir Grey Cooper

Sir Grey Cooper considered the motion as needless, not only upon account of the reasoning of the right honorable gentleman, but in consequence of what they had that day heard from the honorable the Deputy Great Chamberlain himself. Sir Grey reminded the House, that holding the Court in Westminster Hall originated in a requisition of the Crown; they were bound, therefore, to make it as accommodant as possible to the House of Lords. At first, the Lords had expressed an inclination to hear the cause in their own House; the Commons had desired to have it heard in Westminster Hall, and the Lords complied. Nothing could surely be more civil and accommodating on the part of the Lords, and that House, he was persuaded, would not indignantly be outdone in politeness. Hitherto, during the existence of the great cause, perfect harmony had subsisted between the two Houses; that harmony every friend to the constitution must wish to continue; although, therefore, it was judicious, most undoubtedly,

undoubtedly, highly laudable, for gentlemen to be anxious and jealous, as it were, of any point which looked like any infringement of their privileges, yet he really saw, on the present occasion, no pressing call for any such motion as that proposed. The two privileges that the Members wished to claim, Sir Grey said, appeared to him to be the privilege of coming, when it was too late to go down to the Hall with the Speaker, and the privilege of interrupting the procession of the House of Lords into their own Court. With regard to the honourable gentleman who held a high office under the Lords, his situation was in many respects very invidious, and he had found, he had not the smallest doubt, many difficulties to encounter in the execution of it, that had weighed deeply upon his mind, and had caused him much anxiety and uneasiness at times, with the communication of which he had not thought it necessary to trouble his friends. It was certainly no easy matter to conduct above three thousand people every day into Westminster Hall, to arrange them while there, and to conduct them out of the Hall again with as little confusion as possible. The honourable Baronet had, with great activity and exertion, done his duty in these respects successfully, and ought to receive the countenance and support of that House. Upon that account alone, Sir Grey said, he should, for one, wish that the motion were not pressed. In fact, the only end of it would be, a declaration on their part, to do the very same thing themselves, and by their own authority, which the House of Lords had executed already. If such a proceeding were necessary at all, he conceived it could only have been necessary in the outset of the business, and that it not only was out of time now, but that it could not be adopted in that stage of the trial, without conveying something like a shade of disrespect to the House of Lords.

Mr. *Burke* declared that he perfectly coincided with the right honourable gentleman, Mr. Pitt, in every part of his argument. The present motion was neither necessary nor noxious. Unnecessary, because, undoubtedly that House, in the conduct of such a trial, standing as the accusers, were bound to comply with the forms and orders of the Court, who sat to try the cause, and in his opinion, Mr. *Burke* said, the House of Lords had hitherto afforded every reason for that House to make every possible return of civility and accommodation. The motion was, however, perfectly innocent, since it only tended to co-operate with the Lords, by adopting their own form of proceeding, and thus enforcing the effect that they had obviously wished to produce by their orders. The two Houses had met each other cordially, though not, he said, perhaps, with equal fires.

Mr. Burke paid Sir Peter Burrell compliments on, what he called, his extraordinary and successful exertions, his extreme patience, and his unparalleled politeness during the trial, which were among the good things that had arisen out of it. He concluded with expressing his satisfaction on finding that a matter, which on its first appearance looked rather cloudy, and as if portending a cunning storm, had passed over without mischief, and ended in a return of sunshine.

The motion was then amended, agreeable to the Chancellor of the Exchequer's recommendation, and agreed to.

Mr. Charles Middleton.

Sir Charles Middleton brought up "A copy of a return, made to the Comptroller of the Navy, of the dimensions of certain ships in the port of Liverpool, employed in the African slave trade."

The same was read and ordered to be printed.

The paper was also referred to the Committee on the slave regulating bill.

The order of the day for going into the Committee on this bill, having been moved and read,

Mr. William Dolben.

Mr. William Dolben observed that the honourable Members who opposed the bill, had the preceding day complained of the question of adjournment being agreed to, and contended that it was not with their consent. It was the first time, Sir William said, that he had ever given them an opportunity of making such a complaint, and he certainly would not furnish them with a similar occasion. He had the preceding day stated his reasons for agreeing to the question of adjournment; and these were, that he had understood that some important information had been received, on the subject from Liverpool, which would that day be stated. The Comptroller of the Navy had just brought up a paper, stating the admeasurement of the dimensions of the African slave-trade ships at Liverpool. That paper was, he conceived, important, and therefore, he hoped, the witnesses whom the opposers of the bill meant to call, would adduce evidence to that point, which was the most material object of the bill. Sir William declared, he would lose no time in endeavouring to get the bill passed that session, let the opposers of the bill call as many witnesses as they pleased; but, as they had already counted the House out once, he hoped, if their object was delay, the House would not suffer it. They certainly had it in their power, by multiplying evidence, to protract the bill so as to render it impossible to pass during the present session.

Mr. Gascoyne.

Mr. Gascoyne answered that, although he was convinced the honourable Baronet had not intended it, the account he had given of what had passed the preceding day was a strong

strong misrepresentation. The honourable Baronet ~~was~~ before complained of delay, and yet the preceding day he had consented to the adjournment of the House, and of the order for going into the Committee on the bill. He had, thereupon, risen, not to say he disapproved of the adjournment, but to inform the House that he had not desired it. The fact was, he really had not known that it was meant to have been postponed before he heard it adjourned in the House. On the contrary, he had expected that it was to come on, and was prepared with counsel and witnesses to be heard at the bar. It could not therefore be said, that either his noble colleague or himself consented to an adjournment, of which they had not been previously apprized. They were ready to proceed, but let the House consider the state in which they stood. Inconveniences which were declared to exist, were made the ground of the bill, but those inconveniences had not been stated in evidence, or proved at all in that House. A loose statement of them only had been given by the honourable Baronet in his place, which could not be called any specification whatever. They therefore had been reduced to the necessity of combating a shadow, as his noble colleague had stated it, and of proving generally that the inconveniences talked of elsewhere, did not exist. With regard to their having been counted out, the fact was that the attendance had one day been so very small, that as his noble colleague had well said, it was truly ridiculous to proceed in so thin a House, on a bill of such considerable and serious importance. Mr. Gascoyne paid some compliments to the gentlemen sent to Liverpool to measure the dimensions of the vessels employed in the African service, and added that whether they were to go on then with the examination, or to adjourn it till the next day, lay entirely with the House. All he could say was, that he was prepared to proceed if the House thought proper.

Sir William Dolben replied that he would remove the honourable gentleman's difficulty immediately, if the House should approve it, and, instead of the shadow, furnish him with a substance to combat. Let the honourable gentleman consent to it, and he would call evidence to the bar to prove the facts that he had stated, and then let the honourable gentleman combat such an allegation. Sir William said, he had not above one or two witnesses to call; and they would, he trusted, be able amply to substantiate all that he had asserted.

Mr. Chancellor Pitt expressed his doubts as to the possibility of complying with the honourable Baronet's proposition. The House had, in consequence of a petition against the bill, granted the petitioners' prayer of being heard by

Sir William
Dolben. &c.

Mr. Chan-
cellor Pitt.

their counsel, and had called counsel and witnesses to the bar. Having done so, he did not think they had any right to hear other evidence before the petitioners had closed their case. The bill, Mr. Pitt said, had a single object, which had been, in his opinion, departed from more than was necessary in the evidence already adduced by the petitioners. He hoped, therefore, in the future progress of the business, both on the part of the petitioners, and on the part of the honourable Baronet, (if he meant to call any witnesses,) that the sole object of the bill would be the point to which the witnesses would be examined, without discussing the nature of any general inconveniences that might be supposed to exist on board the ships employed in the African trade. Such general inconveniences were totally irrelevant to the subject, all that was to be proved being, that the proposed governing the number of slaves to be carried by the tonnage, and the admeasurement of the dimensions of the ships, was impracticable.

Lord Pen-
ryn.

Lord *Penryn* contended that the opposers of the bill, so far from having departed beyond the line of the bill in the evidence hitherto adduced, had suggested nothing more than what was absolutely necessary in evidence. Complaints had been stated, that the slaves were improperly treated in their passage from Africa to the West Indies. If therefore the witnesses could prove that they were properly treated, in his mind, such evidence was material. Much had been advanced that went to abolition rather than regulation, which they had been obliged to combat.

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* answered that there was not the difference between them that the noble Lord imagined. Certainly, the petitioners had a right to state all that was material, in opposition to the bill. All that he contended for was, that their counsel and witnesses ought to be heard only against the single object of the bill, and not against any general matters of ill treatment of the slaves by the captains of the ships or by other persons. Thus, what they had to prove, must go to the effect, and not the cause. The bringing proof that the slaves do not die by numbers on their voyage, would not be material evidence; but the bringing proof that they were well fed, well clothed, or well treated, would. The question was, were they so stowed on board as to be in a situation that they ought to be suffered to remain in?

Lord Pen-
ryn.

Lord *Penryn* said, that they could prove that the slaves did not die rapidly on the voyage to the West Indies.

Mr. Bick-
dale.

Mr. *Bickdale* spoke in justification of the steps taken by the petitioners which the assertions of the honourable Baronet who brought in the bill, and of the honourable Baronet who

who sat near him, had, he declared, made it indispensably necessary for them to take.

Sir Charles Middleton remarked that he had not been able very minutely to examine the return of the dimensions of the African ships, that he had that day laid upon the table; but he had looked to one article contained in it, and he saw from it, that a ship stated of the burden of 240 tons, which was the most applicable to the dimensions of the ships that had been stated in evidence, had carried from the coast of Guinea 250 slaves, which upon a comparison would not allow ten inches for each individual; and that the crew, consisting of 44 seamen, were obliged to shift to a part of the vessel by no means proper for them to stay in. It was to be recollected, that they and the slaves were so stowed in a climate where the thermometer was scarcely ever below 80, and generally 90. From his knowledge, therefore, of shipping, he scrupled not to assert, that under that circumstance of the climate, it was impossible to cram such a number of men together in a ship of such a size without being guilty of murder. It was not only destruction to the slaves but destruction to the British seamen. He could also inform the House, that the loss by mortality in that voyage, in the vessel in question, amounted to eight per cent. upon the slaves in the short space of six weeks. He believed the honourable Baronet had an idea at first of giving one ton to every man, which was but one half the space allowed to the convicts, it being constantly the custom to allow two tons to each convict in all the ships destined for that service, on account of their health and accommodation. Now, he understood that the honourable Baronet meant to allow after the rate of four men for every three tons, which, though it was by no means sufficient, was still something better in point of accommodation, than the present mode of cramming the poor wretches together.

Mr. Martin observed, that upon the preceding day, the honourable Baronet had mentioned the *kindness* of his friends in attending the bill, as if their attendance were solely imputable to personal respect to the honourable Baronet. Now, although he thought the honourable Baronet entitled to very great respect, and felt much respect for himself, he begged leave to say, his attendance upon the bill had arisen from very different motives. He held it to be his duty to do every thing in his power to forward the passing of the bill, that session. The bill was brought in, professedly, in order to save the lives of human creatures, and it was said, perhaps, it might save the lives of twenty individuals in the course of the summer. He protested, if by any perseverance of his, any exertion of patience or attention, he was able to save

save the life of only a single individual, he should hold it his indispensable duty to do so. He was really ashamed of the manner in which some gentlemen treated the subject; it was devoid of all humanity and feeling. Some had said, what signified what the slaves suffered, if they arrived safe? Such sentiments were a reproach to human nature, and what he should be ashamed to avow respecting his hogs and hounds, or the meanest animals that belonged to him.

Mr. Wil-
son Smith

Mr. *William Smith* said, that from the statement contained in the paper in his hand, which was the return of the dimensions of the African slave ships, he was persuaded he should be enabled to contradict every material fact that had been asserted in evidence at the bar. He would not (he observed) go into that contradiction then; but one or two circumstances he *must* take notice of. The witness had stated that the dimensions between decks were from five feet to five feet eight high; whereas it appeared from the return, that the height between decks of one ship was only four feet four. —Now, let gentlemen recollect, that in that small height, the space was divided by a platform, and that one slave lay upon it, and another under it, and let them ask themselves whether human creatures could be supposed to exist in such a condition, with any prospect of preserving their health? Mr. Smith took notice also of the statement of the number of women that were put into the women's room on board of the ships, and shewed, that it did not amount to above two feet and a half for each woman——

Mr. Smith was interrupted by the Speaker, who reminded him, that the question merely was, “that he do leave the chair;” and, consequently, that general reasoning on the main object of the bill could not be proper on such a question.

Mr. Smith answered, that he had only a few words more to say, but as it was improper then to deliver them, he would reserve them for the fit opportunity.

Mr. Gif-
feyne

Mr. *Giffeyne* assured the House, that the honourable gentleman was arguing from a paper which he had not seen, and to the contents of which he was in utter stranger. The paper had been ordered to be printed, and then there would be opportunity of accurately examining its contents, and of making them the subject of fair discussion.

Mr. Chan-
celor Pitt

Mr. Chancellor *Pitt* admitted the reasonableness of his honourable friend's observation, and said, if the opposers of the bill did not mean to close their case, but intended to call more witnesses and adduce further evidence, the most eligible point to be consulted was expedition; and, therefore, the sooner they called their witnesses the better.

The

A. 1788.

DEBATES.

The Speaker put the question, and the House having resolved itself into a Committee, Mr. Whitbread took his seat at the table, and one witness was called in and examined, after which it was moved that the Chairman report progress, and ask leave to sit again.

The House adjourned.

Friday, 13th June.

No material debate occurred.

Monday, 16th June.

Mr. Alderman *Sawbridge* rising, observed that the long-continued drought which had taken place, had rendered the crops of hay exceedingly scanty, and by information received from different parts of the country, there was the greatest probability that other fodder would be proportionably scarce. He conceived, therefore, there could be no objection to the passing a bill to prevent the exportation of hay similar to that which passed into a law three years before, and of which his intended bill would be an exact transcript. As an additional argument in proof of the necessity and expediency of the case, the Alderman said, that the drought had not been peculiar to this island, but that it had produced a similar effect on the Continent, and more particularly in France and Spain. Mr. *Sawbridge* concluded with moving,

“That leave be given to bring in a bill to prohibit the exportation of hay.”

Mr. *Dundas* thought the ground of expediency sufficiently obvious to warrant the passing of such a bill; and as the bill was professedly to be a transcript of the bill passed three years ago, it would necessarily contain a clause, giving his Majesty in Council the power of taking off the prohibition, whenever the nature of the case should appear to them to render it necessary.

The Speaker read the motion, and was interrupted by

Sir *Joseph Mawbey*, who said, that before a bill of the nature proposed was permitted to be brought in, he conceived some substantial ground ought to be laid in proof of its necessity. When the former bill had been moved, he recollected it had been stated, that considerable quantities of hay were contracted for by agents from France, and that there was a great probability, that the inhabitants of this island would be very materially inconvenienced and distressed in consequence of the extravagant price hay would rise to, if a sudden stop was not put to the exportation. At present, he had not heard of any similar cause of apprehension. He did not approve of bringing forward so important a bill, in respect to its probable effect

fect on the landed interest, at that advanced period of the session, when the majority of the knights of the shires and country gentlemen were retired, to the superintendence of their private affairs.

Mr Ald
Sawbridge

Mr. Alderman *Sawbridge* said, he could not hear without astonishment the honourable Baronet's opposition since the bill was designed merely as a preventive to guard against the danger that the very extraordinary continuance of dry weather, both here and upon the Continent, threatened, if means were not resorted to, for providing against the consequences of an exportation of hay, under such circumstances. He was equally sorry with the honourable Baronet, that more knights of the shires were not present, because he was persuaded from the letters and information that he had received from all parts of England, that, if all the knights of the shires had been in the House, the honourable Baronet would most probably have stood alone in his objection to the bill; but, gentlemen would consider, that it was impossible for him to move for leave to bring in a bill upon such a subject, before the season of the year afforded a proof that such a bill would be expedient. The bill was founded in the best possible policy, and brought forward with a view to prevent a probable evil; and, as it would contain a clause, authorising his Majesty in Council to take off the prohibition, whenever it should appear unnecessary to continue it, no mischief (he conceived) could ensue from the passing of such a bill; but, on the contrary, it might undoubtedly prove of great eventual advantage to the country.

Sir Joseph
Mawbey

Sir *Joseph Mawbey* said, that as the bill would contain a clause, empowering his Majesty in Council to take off the prohibition, whenever they thought it right so to do, he would withdraw his objections.

Leave was given to bring in a bill.

Sir William
Dolben

Sir *William Dolben* having observed, that when the House were last in a Committee on the African slave transportation bill, it broke up rather suddenly, and he had not an opportunity of moving that they sit again; he added, that he might move, that the House do then resolve itself into a Committee upon the said bill.

Lord
Pembury

Lord *Pembury* begged leave to remind the honourable Baronet, that the day for going into the Committee, the Counsel and witnesses had not attended.

The Speaker put the question, "That he do leave the Chair."

The same being carried, Mr. Whitbread took his seat at the table.

Mr. Gas.
Glynne

Mr. *Gas. Glynne* then rose and remarked, that unapprised of the intention of the House to go into the Committee, the Counsel

counsel really were not at the house, but at the instant he had heard that it was designed to resume the Committee, that day, he had sent for them. He hoped, therefore, that the Committee would permit the solicitor for his constituents to come to the bar, and proceed with the evidence, which he had declared he would adduce as well as he was able, till the counsel should arrive.

Sir William Dolben answered that, as the noble Lord and his honourable colleague had twice taken advantage of the forms of the House, and counted out the Committee, he did not believe that they had any right to complain of such conduct as unfair, though he hoped the circumstance would make a due impression on the Committee. But if the noble Lord and his honourable colleague meant, by taking such advantage, merely to protect the passing of the bill, and put it off till the next session, after declaring that they were ready to go into the matter fairly, he must be permitted to say, it was not a very extremely candid nor extremely worthy, when it was considered that the bill was founded on principles of humanity, and had been proposed at that period of the session in order to prevent inconveniences and severities that might otherwise happen to the nation between that and the commencement of the next session. Sir William declared that he was convinced the noble Lord and his honourable colleague were both regulated in the business by the instructions of their constituents, than actuated by their own generous feelings. Undoubtedly a due deference should be paid to the instructions of every gentleman's constituents, but there were cases that ought to be considered as exceptions. In the present case, consideration of a due should not be suffered to supersede the feelings of humanity. It was certainly one of those cases, in which gentlemen should not hold themselves bound hand and foot, like the African slaves, and obliged implicitly to obey the instructions of their constituents, but should act from the generous impulse of their own minds, and consider themselves not merely as the representatives of Liverpool, but as the representatives of the community.

Lord Penryn protested that he was at a loss to know what the honourable Baronet meant by rising to make a speech of the sort he had just delivered. The honourable Baronet seemed to be conscious of having himself done an irregular thing in moving to go into a Committee, without any order for its standing on the books, or any previous notice, and he therefore thought proper to charge him and his honourable colleague with having acted improperly, by having done that which the orders of the House fully justified. As the honourable Baronet had not ended his speech with any motion, he could not answer him generally, but he must be permitted

ted to say a word or two in reply to the honourable Baronet's objections to the conduct of his constituents. The honourable Baronet had originally stated, that he meant not to interfere with the general question, and the right honourable gentleman on the floor had himself proposed to postpone the consideration of the general question till next session. His constituents looked upon the present bill not as a measure of regulation but abolition. They protested against it as such, and thought it hard, after what the right honourable gentleman had said, that a bill which went to the actual abolition of the trade should be entertained. They complained of it, in his opinion, with great justice, and would give the bill the same opposition which they would always shew to a measure that appeared likely, if successful, to deprive them of their property.

Mr. Martin Mr. *Martin* was much surprised at the repeated opposition given to the bill, and more so at the pretence on which the objection of the noble Lord had that day been rested. He asked if there was a man in the House who had not been perfectly aware in his own mind that the Committee would be revived that day?

Mr. Gascoyne. Mr. *Gascoyne* declared that he really had not known that the business was designed to be brought on that day, till five minutes before he came to the House. He reminded gentlemen, that when the Committee had been once before counted out, the honourable Baronet had, the next time the House met, given a day's notice of his intention to move for resuming the Committee; it was natural therefore to expect that the same conduct would then have been pursued.

Lord Penrhyn. Lord *Penrhyn* said, that he had entertained great doubts himself whether the Committee would be resumed that day or not. The solicitor, his Lordship said, had come down in the morning to inquire whether the business was likely to come on that day or not, and not finding any order for it on the books, he had naturally concluded it would not.

The solicitor was called to the bar, and he declared, that although he had not a single paper with him, he would endeavour to lay such evidence before the House as they might wish to hear.

Mr. Penny was then called, and the solicitor desired that the evidence he had before given might be read; during the reading of which Mr. Douglas, the counsel against the bill appearing, the solicitor retired, and the counsel proceeded in the examination; after which Mr. Matthews was called and examined.—In the course of the examination of Mr. Matthews, a short conversation arose upon the necessity of the counsel confining the examination of the witness strictly to the object of the bill. Mr. Pitt, Mr. Cornwall, Mr. W. Smith,

Smith, Lord Penrhyn and other gentlemen took part in the conversation; the counsel in compliance to the wish of the Committee, proceeded in the examination of Mr. Matthews, which being concluded, another witness was called, and examined, and at half past ten o'clock the same witness being withdrawn,

Mr. Gascoyne moved, "That the Chairman report pro-
" gress." Mr. Gascoyne.

Mr. Chancellor Pitt wished the evidence to be closed before the progress was reported, and asked whether more witnesses were meant to be examined. Mr. Chancellor Pitt.

The counsel replied, that no more were meant to be called in support of the Liverpool petition.

Mr. Graham said, he meant to call two or three in behalf of the London petitioners, whose examinations would not take up more than half an hour. He declared, he should wave entering generally into the question, and going over the ground of the Liverpool counsel, and would take up the evidence where it was left off, and should, after Mr. Douglas's summing up, touch upon some points that he conceived had been omitted.

Mr. Cornwall conceived it wholly unnecessary, for the support of one cause, for which there were many petitions, that examinations on each petition should be heard. Mr. Cornwall. The examination on the part of the Liverpool petition, he was of opinion, was fully sufficient, and he would object to any witnesses being called in support of the London petition, unless the counsel could make it appear, that the interests of the London petitioners were different to the Liverpool petitioners.

A short conversation then took place, whether Mr. Douglas should or should not immediately sum up, which being strenuously objected to by Mr. Gascoyne, Mr. Pitt proposed that the business should be first proceeded upon on the morrow, when he hoped the Committee would be enabled to go to the filling up of the blanks.

It being at length agreed that the Chairman should leave the chair, the House was resumed, progress reported, and the Committee ordered to sit again on the morrow.

The House adjourned.

Tuesday, 17th June.

The petitions from the different boroughs of Scotland being read *pro forma*,

Mr. Sheridan expressed his regret, that the unforeseen pro- traction of other important business had obliged him to defer so long a business of such importance, as moving for leave to bring in a bill to regulate the internal government of the royal Mr. Sheridan.

boroughs of Scotland. He stated his sense of the magnitude of the object to be submitted to the consideration of the House; declaring, at the same time, that he did not deem it necessary to enter into any explanation of what might at first appear extraordinary, and which was, such a motion being brought forward by a person not interested by local connection or personal habits with the parties whose petitions for a redress of grievances were now before the House. The fact was, that every Member of that House, who had a single right idea of the first principles of the constitution, and, of course, of the first cause of the prosperity of the country founded on that constitution, or who felt, as he trusted every Member of that House did, an equal and common interest in the happiness and well-being of the two countries comprising the united kingdoms; that every Member so judging, and actuated by such a principle, was perfectly competent and qualified to investigate the proposition he should now offer to the consideration of the House. Mr. Sheridan then adverted to the advanced state of the session, the uncommonly thin attendance which could be procured, even upon subjects in which the Minister himself was particularly interested, and declared his reasons for not entering into the general merits of the question at this time, observing, however, that it fortunately happened that the present question was of such a nature as to admit of a perfect explanation in a single sentence. The evil complained of by as respectable a body of petitioners as ever had approached the bar of that House, was, that certain enormous and inveterate abuses had prevailed, and did prevail, in the administration and government of the royal boroughs in Scotland, and that there existed no competent qualification to check and control these abuses, or to give redress to those who were injured by them. That certain self-elected magistrates and counsellors assumed a power of levying money upon their fellow-subjects, without authority from law, and of punishing those who withstood them, by a partial and corrupt exercise of an illegal discretion; that those magistrates and counsellors claimed a right to dissipate the public property of their fellow-citizens, and to neglect the duties of their own station, without admitting themselves to be accountable or responsible, in any way, to those whose interests, security, and contentment, formed the only pretence for the existence of any power or superiority in those persons, a power and superiority necessarily forfeited the moment those objects were not attended to. The existence of those evils was proved by the petitions, and the want of a remedy by the decisions of the Courts of Judicature in Scotland, it having being determined, both in the Court of Session and in the Court of Exchequer, that as the law of Scotland

land stood, there was no remedy for evils and abuses which both Courts admitted to exist, and to be productive of the worst consequences to the general interests of the community. Surely then, Mr. Sheridan observed, if there ever was a justifiable ground of application to the Legislature of any country, it is when those who are entrusted with the administration of the laws acknowledge the prevalence of some great abuse, and at the same time acknowledge, that there exists no legal mode of obtaining a remedy for it. Mr. Sheridan next explained the nature of the remedy proposed, in the bill he wished to submit to their consideration. His object, for the present session, was only to give the Members an opportunity of informing themselves; for which purpose, he should be content to have his bill, which he then held in his hand, read a first time and printed. Mr. Sheridan complimented the character, firmness, and moderation of the petitioners, and the abilities and exertions of the gentlemen they had employed to manage their business; concluding with a hope, that forgetting all national distinctions, and narrow prejudices, he should find, on the next discussion of the subject, a very general disposition to diffuse principles of civil liberty to that part of the united kingdom which had hitherto partaken in our glory and in our dangers, without sharing the equal blessing of civil liberty, to which England was so much indebted.

He then moved, "That leave be given to bring in a bill
" for correcting the abuses and supplying the defects in the
" internal government of the royal burghs, and in the man-
" ner of accounting for the property, annual revenues, and
" expenditure of the same."

Sir *James Johnston* declared, that he would not give his consent to the bringing in of the bill, being convinced that the evil complained of in the first part of the honourable gentleman's speech did not exist, and that the latter part was unnecessary, it being now in the power of the Lord Advocate of Scotland to compel an accurate statement of the revenues of each borough. Sir James Johnston.

Mr. *Anstruther* acknowledged that it was to him a matter of indifference whether the motion for admitting the bill the present session was or was not agreed to, being convinced, that in the present session it could not pass; and that in the next he should have an opportunity of opposing it, if proposed. He observed, that his honourable friend (Mr. Sheridan) always brought the business forward at the close of the session, when it was impossible to be passed. His honourable friend had stated no specific grievances; he had confined himself to a general statement of grievances, to which he (Mr. Anstruther) entirely objected, being fully convinced that Mr. Anstruther.

that no such grievances existed. With whatever specious appearance his honourable friend brought in the present bill, it went effectually to a change in the election of representatives to serve in Parliament. His honourable friend not having gone in detail to support his bill, he should not enter into detail in opposition to it; and the rather, as he did not believe his honourable friend really meant to carry into effect the bill he had moved for leave to bring in. With respect to the accounts of the revenues moved for, he fully agreed with the honourable Baronet (Sir James Johnstone) opposite to him, that those accounts might be now demanded by the Lord Advocate of Scotland, who could insist upon the delivery of them in the same manner as the Attorney General in England might demand an account to be made out of the revenue of the corporations in England.

Mr. Sheridan.

Mr. *Sheridan* answered, that at the close of the last session, no such motion as the present had been offered, but only the petitions had been presented. He had that day stated it to be his intention merely to move for the bill, that it might be in the possession of Members during the recess; and having so stated his intention, he had conceived it wholly unnecessary to enter into the particular detail of the bill. To his honourable friend (Mr. Anstruther) who had mentioned his doubts of the existence of the grievances complained against, he should consider it sufficient to answer, that upwards of nine thousand respectable persons had declared to the House that such evils did exist. He concluded, by quoting the opinion of a Judge in support of the declaration of the petitions, which was in substance, that for want of a proper regulation in the boroughs, trade was discouraged, religion neglected, and every thing to which the attention of the magistrates ought to be turned, wholly disregarded.

Mr. Dundas.

Mr. *Dundas* declared that he actually conceived that, upon inquiry, it would be found that the revenues of the Scotch boroughs were funds as well managed as those of any corporation existing; but if the honourable gentleman could prove the contrary, and demonstrate that frauds existed, he would be ready to concur with the honourable gentleman in any motion he should propose to correct such an abuse. So far would he go with the honourable gentleman in his bill, but he would not follow him to that branch which extended itself to the internal reform of the boroughs, which, however speciously expressed, was neither more nor less than a proposition to alter the charters of every corporation of Scotland, which charters existed at the time of the Union, and which ought to be regarded as sacred. He could not avoid observing, that the honourable gentleman was, in his present motion, both long-sighted and short-sighted. He had,

in his long fight, discovered imperfections and corruption in the boroughs of Scotland, but, at the same time, he was so remarkably short-sighted, that he could not possibly discern the imperfections and corruption in English boroughs. The honourable gentleman had not stated a single circumstance against the Scotch boroughs, which might not in equal justice be stated against the boroughs in England; and it was his wish, that if the House agreed eventually with the honourable gentleman's bill for a Scotch borough reform, that the honourable gentleman would extend the reform to both parts of the kingdom, and that he would be particularly careful not to forget Stafford, which borough Mr. Sheridan represents. If the bill was meant to effect a difference in election, he wished it boldly to be avowed; but having heard many varying opinions of the bill, he would give no objection to the motion, being particularly desirous that it might be produced, to enable gentlemen to judge from the bill itself.

Sir Thomas Dundas having observed, that his right honour-
able and learned friend (Mr. Dundas) was particularly desirous to see the bill, added, that this desire might be easily satisfied; for, the bill meant to be brought in, was precisely the same in principle with that proposed by the Corporation of Stirling, when the right honourable and learned gentleman was Lord Advocate. With respect to that part of the bill which went to demand a statement annually of the revenues of the boroughs, he was convinced of its necessity. He had received accounts of various defaults in those revenues, particularly in the borough, amongst the electors for which stood the name of his honourable friend below him (Mr. John Anstruther.)

Mr. Anstruther declared, that what had been stated by the honourable Baronet (Sir T. Dundas) with respect to him, was without any foundation whatever. The honourable Baronet, if he had given himself the trouble to inquire and examine, must have found his statement void of truth; and if he had not engaged in such an inquiry, it was in his (Mr. Anstruther's) opinion, very improper to make such a declaration to the House. He positively asserted, that the revenue of the borough alluded to, so far from being decayed, had, within the last twenty years, trebled its amount.

Sir Thomas Dundas answered, that he meant nothing personal to the honourable gentleman (Mr. Anstruther;) that what he had stated, he had not stated wildly, or from his own opinion, but from documents, and from the information of persons whom he knew, and which persons he would move to have examined at the bar to substantiate such assertions whenever the bill came to be discussed.

Sir Joseph Mawbey.

Sir *Joseph Mawbey* remarked that, in his opinion, the bill would prove the means of extending the rights of electors in boroughs. He wished the honourable Baronet (Sir Thomas Dundas) or some other gentleman, would boldly stand forward and propose an extension of the rights of election for Scotch Knights of the Shire. Such a measure, if carried, would be of the most important service, and of the greatest honour to the mover.

Sir James Erskine.

Sir *James Erskine* was adverse to the motion; and contended that the evils complained of, had no existence whatsoever.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* observed that, wishing to know the contents of the bill, he was as desirous as any gentleman could be to have the motion carried. If it went to a reform, it would be one reason to induce him to be partial to it; but to the latter part he objected, conceiving the House would be guilty of a violent action in charging the boroughs with abuses, and giving countenance to an infringement of their charters, before such abuses were made to appear. By what he had stated, he meant to urge no obstruction to the bill, but merely to suggest to the honourable gentleman the propriety of adopting some other mode, by Committee, or otherwise, that might be more consistent with the forms of the House.

Mr. Sheridan.

Mr. *Sheridan* answered, that what had fallen from the right honourable gentleman (Mr. Pitt) was perfectly fair and candid. He believed, that the right honourable gentleman's objection went only to a few words in the latter part of the motion, in which he saw no novelty or deviation from rule; but, to gain the right honourable gentleman's acquiescence, he was willing to alter the motion as the right honourable gentleman had recommended.

The amendment was then put, "That leave be given to bring in a bill for regulating the internal government of the royal burghs in Scotland."

Sir James Johnstone objecting to the motion, the House divided, Ayes, 54; Noes, 00. Majority 54.

Major Scott

Major *Scott* now observed, that he rose to bring to the notice of the House a petition which had been presented from Major Gilpin, Captain Williams, Captain Jonathan Scott, and Mr. Holt, praying some compensation for the expences they had incurred by attending for several months in London, either by a summons of the Managers, or by an order of the House of Lords, in consequence of the Managers' summons. The Major said, he would not do more than state the circumstances under which the several gentlemen were at the time they were summoned; and the compensation he would leave to the justice of the House, without presuming to make any

A. 1788.

D E B A T E S

any motion upon the subject. Major Gilpin came home in the year 1785; was summoned from Lancashire to attend at the bar of the House of Commons, from March to July 1786, and he was again summoned by the House of Lords, at the requisition of the Managers, to attend as a witness, from the month of January to June, in this year. Captain Williams was ordered to attend the House of Commons from February to June 1786. He also was examined at the bar of that House at that time. He was again summoned to attend in January 1788, and continued in daily attendance on the Lords, to the last day of the trial. It is true, said the Major, he was not called upon, though he could give most material and important information, if the Managers really wished for the elucidation of truth; but, it did happen that the Managers, though they had expressly summoned Captain Williams from South Wales, in order to examine him, had closed their proceedings without calling him to the bar as a witness. The Major said, the Managers had done this, when they knew Captain Williams could give very material information. Captain Jonathan Scott, who, the Major said, was his brother, had been summoned from Shropshire in January. He had been examined by the Managers, who thought, possibly, that his evidence, however important for the elucidation of truth, did not tend to advance their cause, and, after three months attendance, permitted him to return to Shropshire, unexamined by the Lords. Mr. Holt, the fourth petitioner, stood upon very different grounds. He not only had been subject to very great expences, but he had actually lost the fair advantages of the services. The Major said, he contented himself with merely relating the facts, as he trusted fully to the justice and the honour of the House to make the gentlemen a fair and honourable compensation.

Mr. Chancellor Pitt pressed the necessity of settling all claims of the kind in question, and read the resolution of the Committee of Managers upon the subject. Mr. Chancellor Pitt.

Mr. Sheridan thought, that all the witnesses summoned at the instance of the Committee of Managers were fairly entitled to come under the same rule of consideration, and that if there were any exceptions, those exceptions ought to be submitted to the special decision of the House. Mr. Sheridan.

Mr. Burke adverted to the propriety of distinguishing witnesses in narrow circumstances from those who lived within a state of affluence. Mr. Burke.

Mr. Bencecroft observed, that it was common in civil cases for a witness to say, pay me my expences, or I will not utter a word of evidence. In criminal cases the custom was necessarily different, and every man was bound to declare the whole truth. Mr. Bencecroft.

Major ~~Adams~~ he begged to offer a few words on what had fallen from the right honourable gentlemen, Mr. Pitt and Mr. Burke: the Committee of impeachment had resolved that no person should receive a compensation, who was not in straitened circumstances. But the Major said, he did not apply for relief upon such a plea; he was convinced that no officer would suffer any person to assert that he was in straitened circumstances, who could purchase daily at Dolly's a beef steake and a pot of porter; but he would put it to the good sense of the House, whether if those gentlemen who were settled in Wales, Lancashire and Shropshire, with moderate fortunes of thuce and four hundred pounds a year, with which they were perfectly happy and contented, were compelled to come to London, were kept for some months in lodgings, leaving their several establishments in the country, he would put it, he said, to the honour of the House, for the payment of the expences. On this footing he put it, and not on the plea that they were in straitened circumstances.

Mr. Sheridan.

Mr. Sheridan remarked that he hoped the honourable gentleman would allow the Committee of Managers to judge for themselves, what witness would be most proper to them to call before the Court in Westminster Hall.

Mr. Burke.

Mr. Burke declared that he had not understood that all persons capable of giving evidence, touching the facts charged on the trial of a criminal cause, were bound by law to reveal all they knew upon the subject in question, without having any right to a claim for expences, and that the same rule obtained and applied in every species of parliamentary prosecution. The Committee of Managers had early in the progress of the business laid down several rules touching the expences to be incurred, which, he had no doubt, the House would consider as wise rules; and, indeed, he trusted, that all their rules of proceeding would be found to be made on nature consideration. One of their resolutions went expressly to the payment of witnesses; but where there were particular exceptions, those exceptions ought to be considered on their particular merits. When a witness was in straitened circumstances, he ought, undoubtedly, to be considered, but not so in cases of a different nature. He supposed Mr. Middleton and Sir Elijah Impey attended at the instance of the Committee of Managers; but surely, no man would be so absurd as to contend, that either of them ought to be paid for attending. Mr. Burke added that the present conversation reminded him of a new discovery which took place in anatomy, at the commencement of the present year. A man had been dissected, when his heart had been found lying upon his right side, and his liver on his left, and all the viscera were

were out of place; so in the prosecution of Mr. Hastings, the Committee of Managars, who might naturally be supposed would be best acquainted with what their own witnesses could prove, it appeared, did not know half so much of the matter, as the friends of Mr. Hastings, who had taken the witnesses *against* the prosecution into their protection. With regard to Captain Williams, they had nothing to do with it, but it lay (where it ought to lay) with the House, who naturally would refer it to the decision of the solicitors for the prosecution to decide upon. With respect to Mr. Holt, Mr. Burke said, he knew that gentleman was not in great circumstances, at least he was given to understand that such was the case, and that he would be a sufferer by being detained here in England; but he thought the Court of Directors of the East-India Company were bound to take care that none of their servants appointed to lucrative offices in India, and detained here in consequence of their being called upon to give evidence on the trial of Mr. Hastings, should substantially be sufferers by such a detention.

Major Scott observed that he must say a few words Major Scott. in reply to the right honourable gentleman, Mr. Burke; it was not extraordinary that he should support the petition; Major Gilpin was an intimate friend whom he had known above twenty years; Captain Williams was a gentleman whom he had intimately known for a great number of years, and Captain Scott was his own brother. Major Gilpin had been examined, Captain Williams was competent to give the most important information, if truth had been the object of the Managers; but they had dismissed him unexamined. His brother Captain Scott they had examined in a Committee, but finding his evidence, however important and true, to contradict their assertions, they had dismissed him, without producing him before the Lords. The question therefore was, whether the House thought, in point of honour or justice, they could authorize a Committee to call gentlemen of small fortunes from distant counties without paying their expences: but the Major said, he disclaimed on the part of Major Gilpin, Captain Williams, and Captain Scott, the receiving a shilling on the idea of their being in straitened circumstances. They had fortunes with which they could be contented in distant counties; but, if kept in London several months, by authority of the House of Commons, they trusted in the justice of the House to pay them their expences.

Mr. Burke questioned the fact of their application to the solicitors, and their not having received satisfaction. He Mr. Burke. stated to the House the directions he himself had given the solicitors how to act upon all applications of a similar nature.

The Speaker at length put an end to the conversation, by calling to Mr. Sheridan, who was at the bar, to bring up his bill, which was read a first time, and ordered to be printed.

A few words then passed between Mr. Sheridan and Mr. Anstruther, relative to the following papers, for which Mr. Sheridan moved.

“That there be laid before this House copies of the charters and setts of the Royal burghs of Scotland notoriously copied.” The same were ordered.

The county election bill having been brought from the House of Lords with various amendments, the House proceeded to take the said amendments into consideration.

Mr. Young Mr. Young remarked that although he did not mean to make a decided opposition against the bill, which he believed the majority of the House rather wished to pass, he could not avoid hazarding some observations against the indecency of precipitately and instantly proceeding to put the question on the numerous amendments made in the House of Lords in a bill deeply affecting the rights of their constituents. He had all along opposed the bill, because he considered it as calculated to give power to the aristocracy in opposition to the rights of the people. In the other House, thirteen different amendments, and one of them consisting of no less than eight pages, had been proposed by different noble Lords, and adopted. As it was natural, therefore, for Peers, in the consideration of such a bill, to give it more of an aristocratical form, if possible, than it wore when sent up to them, it particularly behoved that House to regard the amendments of their Lordships with peculiar jealousy upon such an account, as well as from a general dislike of a bill, calculated to give a greater degree of influence to the aristocracy in elections of Members of that House, he begged leave to enter his solemn protest against reading the amendments so precipitately.

Mr. Bearcroft.

Mr. Bearcroft observed, that to a protest of so serious and important a nature, some answer would undoubtedly be expected. He rose, therefore, to say, that he supported the bill for the very opposite reason to that upon the account of which the honourable gentleman avowed himself its enemy. He believed it to be a bill strongly in favour of the democratical part of the constitution, and not, as the honourable gentleman thought, a bill giving additional influence to the aristocracy. With regard to the number of amendments made in the House of Lords, the fact was as the honourable gentleman had stated. They did amount to thirteen in number, and it was true, that one of them filled eight pages; but then the object of that one was merely to put into the mouth of the returning officer the words of that part of the bill which insisted

inflicted the penalty, and therefore consisted only of a repetition of words only agreed to by the House. The other amendments were nothing more than verbal corrections and alterations.

The amendments were severally read; and when the question was about to be put on the long amendment,

Mr. Young contended that although they had before had Mr. Young several bills to reform the representation in Parliament, very few such bills as the present had been entertained; the object of the bill being to lessen the number of their constituents. Mr. Young repeated his objection to the bill, on account of its aristocratical tendency; and objected to the amendment, because it struck him very forcibly, that it would give those Peers who possessed election interests, a power, by means of the collector's having to repeat the words of the penal part of the act to the voter, to influence his vote. Mr. Young explained his meaning, that one very great advantage of oral evidence, in preference to that of written testimony, was the opportunity which it afforded the parties and the court of deriving some information, or something that might lead to information, from the countenance, conduct, and emphasis of the witness. In like manner the collector of votes would be able to deter some from voting, by his awful mode of reading the penal clause, or to induce others (in favour of the side he wished to assist) to vote from the light and unimpressive style of reciting it; and this, Mr. Young maintained, would give the man, who had the lead in a county, a farther power of putting in Members. He therefore moved to omit a page of the amendment, specifying from what words his amendment would commence, and where it would leave off.

Mr. Bearcroft declared that he differed from the honourable gentleman *totò calò*, and could not but admire the honourable gentleman's reason for objecting to the amendment. The act contained a penal clause, and by the amendment it was proposed that the collector should repeat that clause to the voter previous to his incurring the danger of it. By the laws under which we lived, Mr. Bearcroft said, every person was presumed to know what the law was, and he believed that the present moment was the first in which it was ever made an objection, that a man should be put in mind of his danger, previous to his being liable to incur it. With regard to the effect, which was according to the honourable gentleman's idea, to arise from something in the gesture, countenance, and tone of voice of the collector, he knew no way of guarding against that, unless they were to enact that the collector should repeat the words of the act in chains, with a mask on, like the ancient chorus with a pitch-pipe.

Mr.

Mr. Young took the sense of the House on his proposed amendment, when the numbers were,

Ayes, (for the amendment made by the Lords) 37; Noes, 3. Majority 34.

The amendments were then all read and agreed to, and the bill passed.

The House next resolved themselves into a Committee on the African slave transportation bill, when Mr. Douglas and Mr. Graham, and their witness, were called to the bar. The latter having delivered a paper in to the table, retired, and Mr. Douglas proceeded to sum up the evidence adduced in support of his clients.

As soon as Mr. Douglas had finished and Mr. Graham was about to proceed, Mr. Cornwall objected, observing that, as the London petitioners' case turned upon the same merits as the case of the Liverpool petitioners, and as the latter had been fully heard, it was unnecessary to adduce more evidence.

The Committee then proceeded to fill up the blanks, and a great deal of desultory conversation took place.

Mr. Pitt moved that the operation of the bill be retrospective, and that it commence from the 10th instant, well known, by all the parties concerned, that such a bill was in agitation.

Mr. Gascoyne, Mr. Brickdale, and Lord Penllyn strenuously objected, upon the ground, that to make the bill retrospective in its operation was every way unfair.

The blank, however was suffered to be filled up with the words *the tenth of June*.

When the Committee came to fill up the blank respecting the tonnage of the ships, and the number of the Africans to be carried in the different-sized vessels,

Sir William Dolan proposed to apportion five men to three tons, of every ship of 150 tons burden, or under five feet between decks, with a cabin fitted up for the reception of slaves; three men to two tons in all vessels above 150 tons, with equal accommodations, and one man to one ton, in all other vessels, without such accommodations. Sir William said this proportion diminished a little upon the average of three years; that he was aware it was not equal to two men to a ton, but that no men in his senses could believe it to be really detrimental to the trade.

Mr. Gascoyne observed, that however respectable the assertion of the honourable Baronet might be, it was not, in his opinion, founded. He came prepared to object to any less proportion than two men to a ton. Unless every calculation which had been submitted to his noble colleague and himself was fallacious, less than two men to a ton, was less than

than could be consistent with the continuance of the trade. Such a mode of filling up the blanks as the honourable Baronet had proposed, would prove an abolition of the trade; and, therefore, Mr. Gascoyne declared, that he must take the sense of the Committee upon it.

Lord Penrhyn observed, that he concurred with his honourable friend, and must contend against depriving persons, so interested as his constituents were in the slave trade, of their rightful advantages by an *ex post facto* law. The measure would abolish the trade, as far as the present traders were concerned in it. On the African trade, it ought to be remembered, that two thirds of the commerce of this country depended. The Committee might prevent Great Britain from carrying on the trade, but they could not prevent other countries from carrying it on. They would therefore not befriend the Africans.

Sir William Dolben affirmed, that he had not asserted things incapable of being substantiated by proof. He was ready to call witnesses, and adduce evidence, both by documents and facts.

Mr. Gascoyne wished that the witnesses in support of the bill had been produced; though to have them then, might be unparliamentary.

Sir William Dolben answered, they were at hand, and ready to appear, and were very respectable people.

Mr. Beaumont rising next, said, the remarks of the noble Lord in support of the veracity of the witnesses whom the friends of the African trade thought fit to call to your bar, I am not inclined to dispute. Their evidence is clear, the facts they have established are important, and the natural conclusions from these facts, however opposite to those which they intended should be drawn, are, in my judgement, decisive on the case. On this occasion two questions arise:

The first is, Whether in the present mode of transporting to the West Indies the negroes which are purchased in Africa, such abuses exist as require the restrictions of law?

The second is, Whether the restrictions which this bill proposes to enact, will or will not amount to an abolition of the trade?

These are the two points to which the counsel who pleaded this day at your bar, on behalf of the African merchants, directed his principal attention, and they do in reality comprehend the whole of the business before us.

In his arguments on the first of these points the counsel declared, that the appellation of abuse could only be given to such a mode of conveyance as is dangerous to the lives or health of the negroes. I accept his definition, narrow as it is, and shall make it the basis of my reasoning. To the question

question then, is the present mode of transportation compatible with a due regard to the lives and healths of the Africans, what has been the evidence at your bar? What the language of the witnesses? They told you, that five feet six inches in length, and sixteen inches in breadth, was as much as their practice, upon an average, allotted to each slave; that this space was all the room they could allow for the African and his irons, and that in order to accommodate him to this extent, which they described as liberal, recourse is had to every possible contrivance. In the first place, the lower deck is entirely covered with bodies: in the next, the height between the floor of that deck and the roof above (a height which they acknowledge seldom amounts to five feet eight inches) is divided by a platform, which is also covered with bodies. Thus the distance from the floor on which some of the Africans are laid, to the platform on which others are spread, is but two feet in many cases, and but two feet and a few inches in the rest; and from the platform to the upper deck, which constitutes the roof, there is but a similar space. The same ingenuity of package, and perfection of contrivance, is employed according to the witnesses' account, in filling every other part of the vessel in which a human body can be stowed. Such is the mode of conveyance.—Now, what from the evidence of the witnesses at your bar (an evidence given with reluctance, on a cross examination, and therefore of decisive credibility) is the effect of that conveyance on the lives and health both of the negroes and the seamen? “I do confess (says one of the witnesses) that when I was master of the *Tartar* I lost in one voyage a third of my seamen, and 120 negroes, which was also a third of of the whole.” Was this the total of your loss? “I cannot say it was, 12 negroes perished by an accident, they were drowned.” Had you no other mortality, except that of the 120 negroes, and that of the twelve? “No other upon the voyage, but I lost between 20 and 30 negroes, by different diseases, before I left the coast.”—Thus it appears that 120 Africans, being a third of the whole, died upon the voyage, that 12 more were devoured by different diseases before his cargo was complete. Such is the evidence of one of the witnesses at your bar; yet the very counsel who called that witness there asserts, that, no abuses deserving the notice of Parliament; none which endanger the lives or affect the health of the negroes, exist in the African trade. The counsel, indeed, who is paid by his clients, and who does not conceive that his honour is pledged to the truth of his arguments, or that his character is concerned in the justice of his cause, may think himself at liberty to contradict the common feelings, and affront the common sense of mankind;

mankind; but I cannot persuade myself, that such of the members of this House as have hitherto opposed the bill, will venture on the same desperate assertions. On this point of mortality, what is the language of the other witnesses?—Though interested in the trade, and parties against the bill, their confession is, that of the negroes of the Windward Coast, who are men of the strongest constitutions of any which Africa affords, no less, on an average, than five in each hundred perish in the voyage, a voyage it must be remembered of but *six weeks* continuance. In a twelvemonth then, what must be the proportion of the dead? no less than 43 in every hundred; 17 times the usual rate of mortality; for all the estimates of life suppose, and Dr. Price expressly declares, that except in very particular situations (of which, as we find from the History of Captain Cook's Voyages, the sea is not one) no more than a fortieth of the people, or two and a half in the hundred die within the space of a year: such is then the comparison. In the ordinary course of nature the number of persons (including those in age and infancy, the weakest periods of existence) who perish in the course of a twelvemonth, is at a rate of but two and a half in a hundred; but, in an African voyage, notwithstanding the old are excluded, and few infants are admitted, notwithstanding the people are in the firmest period of life, the list of deaths presents an annual mortality of 43 in a hundred; it presents this mortality even in vessels from *Windward Coast* of Africa; but in those of *Bony, Benin, and the Calabars*, from whence the greatest proportion of the slaves are brought, the mortality is increased by a variety of causes, of which the greater length of the voyage is one, and is said to be twice as great, which supposes that in every hundred the deaths annually amount to no less than 86. Yet even the former comparatively low mortality, of which the counsel speaks with satisfaction, as a proof of the kind and compassionate treatment of the slaves, even this indolent and lethargic destruction gives to the march of death 17 times its usual speed: it is a destruction, which, if general but for ten years, would depopulate the world, blast the purposes of its creation, and extinguish the human race. After these proofs of the horrors of an African voyage, what shall we think of the persons who have the confidence to tell you that the conveyance of the Africans from their native land, is a mercantile concern with which you should not interfere, and while they presumptuously caution you against an officious intermeddling, likewise tell you that you cannot be judges of the subject—"You form (says the counsel) your opinion of the feelings of the negroes by those that belong to yourselves; a mistaken and inapplicable test; for though

"In their situation you might be miserable, yet to them the circumstances of the voyage are not inconsistent either with comfort or happiness." Stronger still upon this point is the language of the witness. We, whose feelings have never known the hardening influence of an African sun, naturally thought that if a man, be his complexion what it may, be suddenly torn from his family and friends, and be violently wrenched from his native soil, his suffering must be great; and that, if to these afflictions be added the perpetual loss of freedom, his misery must be intense. "Just the reverse (say the witnesses) the direct contrary is the fact; the voyage from Africa is the happiest period of his life." I should almost be tempted to conclude from the evidence at the bar; that the fetters on the hands of the Africans, and the irons on their feet, are intended to check the wild expressions of tumultuous and frantic joy, rather than counteract the gloomy purposes of despair. Some of us imagined, that when to the burning atmosphere of the Torrid Zone is added the suffocating heat of numbers crowded into a narrow space, the suffering must be dreadful; but here again we were mistaken; so much so, indeed, that the counsel treated the very idea as ridiculously delicate and finical; and the witnesses say, that the additional warmth is the very thing which the Africans desire, they accept it as a boon; they solicit it as an enjoyment. One would think from the evidence at the bar, and from the arguments of the counsel upon it, that the solid pestilence, the thick contagion, the substantial rottenness of an African ship is congenial to the constitution, and exhilarating to the spirits of a negro. Could any thing add to the indignation we feel at *such a trade, conducted in just a way*, it would be the *prosperous arguments* by which that trade is defended.—Among the gentlemen who oppose this bill, there are some who think its operation unfriendly to the interests of our West India settlements; yet, even they when they heard from the witnesses (whose testimony often acquired additional strength from the reluctance with which it was given) the ravages of this remorseless trade, even they must, I am confident, have felt an earnest wish that the necessity of the traffic did not exist. May I then be permitted to point out to the West India settlements, not presumptuously, but with anxious and ardent wishes of their welfare, a line of conduct that would soon supersede the necessity of the negro traffic, and promote, at the same time, the interest of the planters? I think with them, that in all regulations for the remedy of evils of great magnitude, and of long establishment, especially of those with the existence of which the rights of property are blended, the spirit of reform should be guided by a temperate and well-advised zeal, that considers

considers what is *attainable*, as well as what is *desirable*, and confines its efforts to *practicable* good. I also think with them, that in all such regulations of the African trade for negroes as are not, like those of the present bill, confined to the mode of their conveyance, the provincial Legislatures of our West-India settlements should undertake the conduct of the business. Now if, as the wisest maxims of policy suggest, those Legislatures should impose a tax on every negro imported, and should grant a countervailing premium on Creole Negroes, born in the West Indies, and produced in a healthy state, at the age of ten years, the necessity of new importations would speedily be removed, especially if in aid of these regulations (the efficacy of which might otherwise be retarded by negroes illicitly imported) a register of slaves should be established, and a provision made that all who are not enrolled shall be absolutely free. To the provincial assemblies who shall thus destroy the asserted necessity, and therefore the existence of the traffic in human beings, immortal honour will be due, and still more ample will be their fame should they add to the liberal policy of this measure the wise and generous expedient of raising their negroes from a state of slavery to that of regulated vassalage; they will then be revered as the distinguished instructors of their country, and the friends and benefactors of human kind.—But I have wandered too far from the immediate subject of debate.—In the outset of my argument I observed, that the counsel has not only attempted to show that the sufferings of the negroes, in their passage is merely ideal, and the mortality too trifling for notice, but that the present bill, in professing to regulate, would really abolish the trade. With what success he attempted the establishment of his first proposition I have already examined, the other remains to be considered.

The bill proposes to enact, that the number of Africans who shall be carried in any vessel shall be restricted by a rule that is founded on the joint consideration of the size of the vessel, and the accommodation with which it is furnished. A more reasonable provision, or one, perhaps, that, in imposing a restraint on the eagerness of avarice, more effectually consults the interest of the merchant, is not to be found in the policy of nations. Yet to this provision the witnesses object as ruinous to their trade; for the French (say they) our rivals in the African commerce, will be subject to no restraint, and as the merchant best understands the nature of his own concern, and the mode of conducting it to advantage, *their freedom opposed to our restrictions* will give them an undoubted superiority; a superiority that will be rendered still more decisive by the bounty which the French Government

losses.—Such are the arguments of the counsel and the witnesses.

To their first remark, "That the merchant best understands the means of commercial profit," my answer is, that avarice, though always an eager, is not always a clear-sighted and well-judging passion; for under its government the probability of exorbitant loss is often risked on the slightest prospect of exorbitant gain, and therefore it is, that in the African trade, (a lottery of the worst species) the rules of prudence are often as much neglected as the rights of humanity. On this principle then, there is reason to believe, that the present bill will not, on the whole, be injurious to the merchant; but even the contrary supposition is not a sufficient argument against it: for the legislature is not bound to uphold commercial profit at the expence of humanity and justice. "But the French, our ancient and inveterate rivals," (says the counsel) will possess themselves of the trade which you relinquish, and will thus succeed to one of the principal branches of your naval strength as well as of your commerce." Does then the counsel conceive us so ill informed on the subject as not to know that the trade to Africa has invariably proved, not the nursery, but the grave of the British seamen; and that the number of our countrymen, who are yearly sacrificed to this dreadful traffic, constitute such a waste of life as no commercial gain is able to compensate? In this view of the subject then, we have no reason to dread the industry and enterprising spirit of the French; but should we admit that, in a mercantile view, the national value of the African trade is such as the counsel has described, what proofs has he brought that, in consequence of the present bill, that trade will be given to our rivals? Is he not aware that of the 30,000 Africans whom our ships annually convey, not more than one half is sold for the use of our own West-India settlements. That moiety therefore, if we choose to retain the trade, is beyond the reach of hazard; for admitting that the restraints imposed should diminish the number of negroes transported in each vessel, and that the price required by the merchant for those whom he does convey should, for this reason, be somewhat raised, it follows indeed, that the cost to the British planter may be greater than at present; but it does not follow, nor is it in any respect true, that the merchants of France can seize upon the commerce. Nothing is in question, then, but that part of the trade, the least considerable of the two, which is carried on for the supply of the foreign plantations in the West Indies; and even that part of it, if the advantages of a reduced mortality be weighed, is exposed to no other diminution than that which, independently of this bill, may arise from the exorbitant

exorbitant premiums which at this time are given by the French government for the encouragement of its trade to Africa.

Hitherto I have argued on the supposition of the counsel, that the trade to Africa will continue to receive the countenance and protection of the French, but there is reason to think, that let the ultimate decision of the British Legislature, on this hideous traffic, be what it may, its existence among the French will speedily be abolished. Already the best and most respectable part of their great community; all philosophers, all their men of science, all their literary men, are earnest in their wishes for its extinction; and two of the greatest Ministers her government has ever known, Turgot and Neckar, have recorded their fixed abhorrence of its cruelty and guilt. A noble Lord, whose judgement on this subject is undoubtedly the reverse of theirs, smiles, I observe, at the mention of literary men; but allow me to tell him, that their influence must be great in a country *in which the empire of opinion is all things*. Already we have seen them accomplishing more difficult events than the abolition of a traffic, which is not less disgusting to the reason, than hateful to the feeling of our nature; a traffic which exists but by human suffering, and the gains of which are constantly polluted with blood. Has the noble Lord forgotten the success with which, in the persons of the two great men I have mentioned, they opposed the authority of science to the sternness of power, and the rectitude of philosophy to the corruptions of a Court? Does he not know that they have actually effected what none but themselves have, at any time, ventured to attempt; for within the domains of a cruel religion *they alone* have erected an altar to mercy? Does he not know *that they alone* have instructed their countrymen to assert their violated rights, and reclaim their antient constitution? Does he not know that *to them* it is owing, that at this very hour, to the astonishment of Europe, the voice of freedom is heard in the inmost recesses of the palace? Again I repeat, that let *Britain* determine as she will, the guilt and infamy of this horrid traffic will not long be endured in *France*. Thus I have considered the various objections that have been stated to the bill, and am ashamed to reflect that it could be necessary to speak so long in defence of such a cause; for what, after all, is asked by these regulations?

On the part of the Africans, the whole of their purport is, that those whom you allow to be robbed of all things ~~but~~ *life*, may not unnecessarily and wantonly be deprived of *life* too. On the part of your *seamen*, all that is suggested is, that after they have hazarded their lives in your service, and fought the battles of their country, you would not, when
poverty

poverty compel them to accept a birth in an African ship, allow them to be exposed to useless dangers, or be consigned to unnecessary death.

To the honour, to the wisdom, to the feelings of the House I now make my appeal, perfectly confident that you will not tolerate, as Senators, a traffic which, as men, you should contemplate; and that you will not take upon yourselves the responsibility of this waste of existence. To the memory of former Parliaments the horrors of this traffic will be an eternal reproach; yet former Parliaments have not known as you, on the clearest evidence, now known, the dreadful nature of this trade. Should you reject this bill, no exertions of yours to rescue from oppression the suffering inhabitants of your Eastern empire; no records of the prosperous state to which, after a long and unsuccessful war, you have restored your native land; no proofs, however splendid, that under your guidance, Britain has recovered her rank, and is again the arbitress of nations, will save your names from the stigma of everlasting dishonour. The broad mantle of this one infamy will cover with substantial darkness the radiance of your glory, and change to feelings of abhorrence the present admiration of the world.—Pardon the supposition of so impossible an event; I know that justice and mercy are the constant attributes of your character, and that the lustre of their brightness is such as will endure for ever.

Lord Belgrave.

Lord Belgrave animadverted upon the cruelties of the trade, which had to his mind, been fully proved at the bar. He noticed the opposition made to the bill, and represented it as of that nature which he hoped every gentleman warmed with humanity would condemn. If the present mode of carrying on the trade received the countenance of that House, the poor, wretched, unfortunate African would not only doubly curse the womb that brought him forth, but would doubly curse the British nation, whose diabolical avarice rivetted the chains of his slavery and his miseries. He trusted that the honourable Members opposite him (Lord Penrhyn and Mr. Gascoyne) would urge no farther opposition to the bill, but that they would join with the House in an effort to enlarge the empire of humanity, and that while they were stretching out the strong arm of justice to punish the degraders of British honour and humanity in the East, they would, with equal spirit, exert their powers to dispense the blessings of their protection and liberty to the poor Africans, who were serving them in the West.

Mr. W. Smith.

Mr. W. Smith commented on the evidence, and declared that it strongly supported the bill. He pointed out what he considered as a variety of contradictions in it.

Mr

A. 1788,

Mr. Chancellor Pitt declared himself most unequivocally in favour of the motion made by the honourable Baronet (Sir William Dolben) and expressed his conviction, that the regulation proposed would not tend to the abolition of the trade, but if it did even go to the abolition of the trade, he had no hesitation openly and boldly to declare, that if the trade could not be carried on in a manner different to that stated by the honourable members opposite him (Lord Penrhyn and Mr. Gascoyne) he would retract what he had said, on a former day, against going to the general question, and waving every other discussion than what had, that day, taken place, give his vote for the utter annihilation of a trade which was shocking to humanity to hear related, abominable to be carried on by any nation, and which reflected the greatest dishonour on the British senate and the British nation. The trade, as proposal to be carried on by the petitioners, was contrary to every humane, every Christian principle, and to every sentiment which ought to inspire the breast of man; and, as such, he was determined to resist the prayer of the petitioners, and give his support to the motion. He hoped that the House, being now in possession of such information as never before was brought, would, in some measure, endeavour to extricate themselves from that guilt and from that remorse which every man ought to feel for having so long suffered such cruelties, such oppressions, to have been suffered by human beings, as British subjects. He wished to ask gentlemen what must be their feelings, were half the unfortunate Africans now about to be purchased by British ships on that coast, to suffer the cruelties, and the deaths of many of those before shipped. He was confident that the House would support him in any measure to snatch those unfortunate beings from the jaws of destruction, and from the iron hand of unlimited oppression. For such a purpose he should propose a clause to enforce the regulations of the present bill, if it should pass into a law, to be strictly observed by those employed in the trade which have already failed, if notice of the act could be proved to be given to them by a vessel which should be dispatched from the Admiralty for the purpose of affording them such information, and furnishing them, if possible, with a copy of the act. By such regulation taking effect after cargoes were laid on board for a greater purchase of slaves than the bill would allow, he was fully aware that a loss would be sustained by the sufferers of such cargoes. Such a loss he computed to be about ten per cent. and he was extremely willing that it should be made good to the merchants, and doubted not but that the House would agree with him in such indemnification even if it went to 15 per cent. as the whole would not in such a case (he believed) exceed twelve

twelve or fifteen thousand pounds, an object of no consideration when the interests of humanity were opposed to it.

Mr. Martin Mr. *Martin* declared, that the noble sentiments of the right honourable gentleman who spoke last, reflected the greatest lustre upon him, both as an Englishman and a man.

The Committee divided on Sir William Dolben's proposed amendments; Ayes, 56; Noes, 5.

The other blanks were then filled up, and the bill, with its amendments, was ordered to be reported upon the morrow.

The House adjourned.

Wednesday, 18th June.

The order of the day having been read for the House to resolve itself into a Committee on the bill to prohibit the exportation of hay for a limited time, the Speaker left the chair, and Mr. Drake took his seat at the table.

The question being put, "That this bill be read a first time,"

Mr William Cunyng-
hame. Sir *William Cunyng-hame* observed that he was of opinion that, probably the scarcity of hay about London would prove very great, not less, perhaps, in various parts of England; but the same reason did not apply to the part of Great Britain from which he came. In Scotland there was, last year, a very plentiful crop of hay, inasmuch that hay had sold there as low as thirty shillings a load, and there was so much still on hand, that there was not a probability of any deficiency, in case no such bill passed. Sir William said, his country had an exportation hay trade, not to France or Spain, (for those parts of the continent lay too low for them to export to) but, to the West Indies, where they annually sent small quantities. He meant, therefore, to propose to leave the word Scotland out of the bill; yet, at the same time he had no intention of dividing the Committee, or giving any trouble, but being the only Member from Scotland present, he had thought it his duty to suggest these remarks; for whatever reason the southern part of the island had to apprehend a scarcity, the northern part was totally exempt from such apprehensions.

The bill was then read a first time, and the Committee proceeded to fill up the blanks, which having completed, the bill with the amendments, was ordered to be reported immediately, and as soon as the House was resumed, Mr. Drake made the report.

Mr Rob.
Smith.

The same having been reported accordingly,

Sir *Robert Smith* remarked that he understood the bill to be a transcript of a bill that he had himself brought in two years ago, but that he must nevertheless oppose it. When the bill was introduced two years ago, we had witnessed two
very

very severe winters, and two years of great scarcity in respect to hay. Then it was a well-ascertained fact that an equal degree of scarcity prevailed on the continent, and that measures were actually going on for the purchase and exportation of the greatest part of the little stock of hay that remained in England, to Flanders, France and Spain. There was, at that time, therefore, every reason to dread actual famine, in respect to fodder for cattle. At present, no such strong grounds had been laid; but although the plea for the bill was the necessity of the case, that necessity had not been proved, and the House had nothing before them but the loose declaration of an honourable Member, that hay would prove extremely scarce: probably hay might be dear at the London market, but *that* was by no means a consideration to govern the rest of the kingdom; and in many counties he was persuaded, there was a great deal of hay in hand, and if refreshing rains should fall, it might produce such plentiful crops of aftergrass, that the inconvenience held up as an object of so much alarm and apprehension, would, in all probability, be scarcely felt at all. Sir Robert added, that we had experienced a very mild spring, that the crops of turnips had, in consequence, been good, and that therefore the farmers who fed their cattle upon turnips, had not found much occasion to consume and diminish their stocks of hay. An honourable baronet, the representative for the county of Surrey, he understood had opposed the bill, when leave to bring it in was first moved for, but had withdrawn his objections on learning that the bill contained a clause, giving the King in Council a power to suspend the prohibition, whenever it should to them appear that the prohibition need not be continued. So far from that clause weighing with him in favour of the bill, Sir Robert said, it was the strongest reason for his opposing it. The granting the King in Council powers of suspension, was in itself highly unconstitutional, and such powers ought at all times to be reluctantly granted by the House. The more constitutional way was to leave it to the Minister to take off the prohibition at his own risque, when he thought proper, and to let him justify himself afterwards to Parliament, and apply for a bill of indemnity. In conclusion, Sir Robert declared that he disapproved of bringing in bills of that important nature at such an advanced period of the session, when more knights of shires and country gentlemen were not present. Upon these considerations, therefore, he should move to recommit the bill, for the purpose of moving in the Committee, that the clause granting the power to suspend the prohibition to his Majesty in Council be expunged, and then upon the third reading, he should take the sense of the House whether the bill ought to pass into a law.

Mr. Ald.
Sawbridge.

Mr. Alderman *Sawbridge* observed that he could not avoid testifying his surprise, that the honourable Baronet who had stated objections to the principle of the bill, should have chosen that particular stage of it to meet it with resistance. If the honourable Baronet disliked the principle, he might have opposed it on the second reading, or he might have proposed any amendment that he had wished to make in it, in the Committee. With regard to the honourable Baronet's declaration, that the granting powers of suspension to his Majesty in Council, was unconstitutional, he agreed with him; but what could mark its being unconstitutional more strongly than the making an express provision for it in the bill? Instead of granting this power to his Majesty in Council, the honourable Baronet recommended it to let the Minister assume the power without any authority whatever. Would any gentleman seriously contend that it was more constitutional or more prudent to let the Minister, at his discretion, assume the power of suspension whenever he thought proper, than to grant it to the King in Council for a limited time expressly? The honourable Baronet had doubted the probability of there being a general scarcity, and lamented that there were not present more knights of the shires. For this last circumstance, *he*, Mr. *Sawbridge* remarked, was equally concerned, because from the information he had received, both from different parts of the kingdom, and from many country gentlemen with whom he had conversed on the subject, and the information he had received from several other quarters, he was convinced there would be a very great scarcity of hay; indeed the scarcity of hay was notorious, and he could not give a stronger instance of it than Devonshire and the western counties, where the greatest quantity of runge-
generally is, and from whence he had been well informed, there was not a prospect of any hay. Another extremely material consideration was the little probability of there being any great quantity of straw this year. Gentlemen well knew that, in many parts of England, farmers fed their horses and other cattle on straw mixed with hay. If therefore there was no prospect of much straw, it became necessary that the little hay we had, or were likely to have, should be kept in the kingdom for our own use. Mr. *Sawbridge* declared, he was as great an enemy to prohibitions upon the exportation of hay, or any other article of export, as the honourable Baronet. He was by no means fond of injunctions upon trade. He well knew it was, generally speaking, contrary to the interest of a commercial country; but when it did appear highly probable that there would scarcely be hay and other fodder sufficient for our home consumption, surely in that case it was expedient to take care of ourselves, and not
export

export that which we ourselves want. Another circumstance was the similar situation of Flanders, France, and Spain, in all of which countries the prospect of scarcity, both in respect to hay and straw, was equally great. Upon these considerations, he hoped the honourable baronet would waive his objections. At any rate, it was to be wished he had made them, when there was a full House, because he was convinced, that in that case, had he taken the sense of the House, he would have found by far the majority of the House in favour of the bill. Of this he could assure the honourable Baronet, that amongst all the gentlemen to whom he had spoken upon the subject, he had only met with two or three who did object to it, and the honourable Baronet was one of that number. The honourable Baronet might recollect that the bill of a similar nature that he had proposed two years ago, had been objected to by one or two Members.

Mr. *Pye* observed that he could answer for the county of Mr. *Pye* Berks, that they had a very scanty hay harvest during the preceding year; and that the present afforded no better prospect. In some parts of the county where forty loads of hay used to be mowed, not above eight loads this year were likely to be procured.

Mr. *Drake* gave the honourable Baronet credit for his good intentions, but was rather surprised at his opposing the present bill. Mr. *Drake* said, he had cheerfully seconded the honourable Baronet's bill two years ago, and he was in hopes the honourable Baronet would rather have lent his support to a bill exactly a transcript of his own, than have opposed it.

Sir *Robert Smith* repeated his objections to the bill, particularly to the clause giving his Majesty in Council a power to suspend the prohibition. Sir *Robert* concluded with saying, that the best way would be to put off the consideration of the report to another day, by which means they should be able to come to a fair discussion of it.

Upon the question being put, "That these amendments be now read a second time," the House divided, Ayes, 28; Noes, 5.

Upon there appearing to be less than forty Members the House separated.

Thursday 10th June.

The report of the hay bill was taken into farther consideration; and being read a second time, was agreed to. Upon the question, "That this bill be read a third time,"

Sir *Peter Burrell* said that he had remarked, with concern, that whenever an opportunity offered for the landholder to promote his interest, a bill was introduced to prevent his taking a fair advantage of it. In this point of view he considered

ed the present bill, for which he saw not the least necessity. Regarding it, therefore as an oppression on the landholder, which was neither requisite nor expedient, he should move by way of amendment, that the word "now" be omitted, and the words "this day three months" be inserted.

Mr Drake. Mr. Drake conceived that there was an actual necessity for the bill, and saw no pressure upon the landholder, nor any other exception to it. So far from it, it was, in his mind, a perfectly safe bill, and an expedient and right measure, and the more especially as the prohibition was limited, and the extent of its operation left to the discretion of his Majesty in Council.

Sir James Johnstone. Sir James Johnstone declared that in his opinion the bill tended unjustly to deprive the landholder and farmer of their property. The Heavens, Sir James said, had objected against the bill, by raining ever since it had been brought in, and surely, it was the duty of the House to submit to such high authority.

The original question was carried.

Hon. Mr. Townsend. The honourable Mr. Townsend then proposed to annex a charge by way of rider, enabling his Majesty to allow the exportation of a sufficient quantity of hay to supply the garison of Gibraltar.

The clause was received, read a first and second time, and ordered to.

The bill was then passed, and immediately ordered to be carried to the Lords.

The House adjourned; and no debate occurred until

Wednesday, 25th June.

When the Speaker had stated to the House, that the Lords had made several amendments in the interluding regulating bill,

Mr Sherwin. Mr. Sherwin continued that he should be able, without trespassing too long upon the patience of the House, to induce them, in consequence of the few remarks which he must beg leave to make, to postpone the consideration of the amendments to the bill in the other House. The noble Lords who proposed them seemed not to have been aware of what they were about when they suggested them, or to have at all considered how far they could be connected with the other parts of the bill. The bill had gone out of their House, (as the Speaker well knew) a bill of general regulation, and it come back in such a state, as he believed no bill had ever before been returned into that House. The noble personage, whoever he was, that had made the amendments, appeared to be possessed of something like a dramatic mind, and to have converted the bill into a perfect harlequinade, full of theatrical shifts

A. 1788.

D. DEBATE

shifts and changes: The preamble of the bill stated, that
“ notwithstanding the wholesome regulations, provided by
“ the acts in being, divers persons had exhibited, in certain
“ houses and places licensed, operas, burlettas, pantomimes,
“ musical dramas, and other theatrical and dramatic perfor-
“ mances and entertainments, contrary to the true intent
“ and meaning of the said acts, &c. &c.” This preamble
the noble amender of the bill had preserved, without the al-
teration of a syllable, although he had inserted in the sub-
sequent pages of the bill, clauses to authorize still more houses
to perform pantomimes, musical dramas, and other theatri-
cal or dramatic entertainments. In short, in consequence
of the amendments, the whole bill was not only rendered in-
congruous, inconsistent and absurd, but as it stood, it went
to affect private property to a very considerable amount, and
to destroy security that had been established for more than a
century, on the sanction of parliamentary faith, in a manner
that he was persuaded that House would never consent to,
because that House would never do so violent an act of injus-
tice to individuals, as to injure their most essential interests,
without affording them an opportunity of being heard by them-
selves or their counsel in their defence. Just as well might
the House consent to a bill being brought in to abrogate and
annul any other grant of the crown; for instance, if from
motives of private pique and personal resentment, a bill should
be introduced to take away a certain grant of one shilling
duty upon each chaldron of coals brought into the port of
London, which was appropriated to the use of a noble indi-
vidual, every man of liberality would spurn at the uncandid
suggestion, and refuse to do an act of such glaring injustice.
He therefore had not a doubt, but that the House would con-
cur in his motion, “ That the consideration of these amend-
“ ments be postponed to this day three months.”

The Speaker put the question, which was agreed to *unani-
mously*.

The House adjourned.

Thursday, 26th June.

No debate occurred.

Friday, 27th June.

Sir John Miller rose, and addressed the Speaker thus: Sir John Miller.
“ As I cannot believe any man will dispute the necessity of
“ establishing certain determinate standards for all weights,
“ and measures employed in this commercial nation to be pre-
“ served inviolably, and to be used upon all occasions; so
“ that no deviation from them may in future disturb and
“ perplex

“ perplex the computations of this country, confound settled
 “ ideas, create perplexities in dealings, and subject the igno-
 “ rant and unwary to frauds and abuses; I therefore give no-
 “ tice, that early in the next session of Parliament I shall
 “ move for a Committee to consider and report the expe-
 “ diency of establishing one general standard of weights and
 “ measures, to be observed throughout the kingdom.”

The House adjourned.

*Monday, Tuesday, Wednesday, and Thursday, the 30th of June,
 and the 1st, 2d, and 3d of July.*

No debate occurred.

Friday, 4th July.

Sir John Miller said, he should make a motion, which, he trusted and believed, would meet neither with objection nor opposition from any quarter whatsoever, being little else than a mere transcript of one that had been made and complied with in 1765. An account had accordingly been furnished by the Bank of England in that year, agreeable to that motion, and that account he now held in his hand: it amounted to the immense sum of three million, seven hundred and twenty-nine thousand pounds, and he should not be at all surprised, considering the prodigious increase of the wealth of this country since 1765, and consequently of its law-suits, if the dead cash and securities in the name of the Accountant General of the Court of Chancery, now in the keeping of the Bank of England, should, at this day, prove to be double that sum. In 1763, an act of Parliament was passed, authorising the Court of Chancery “ to place out at interest in the public funds,” the sum of eighty thousand pounds, being part of such dead cash, for the purpose of augmenting the salaries of the eleven Masters in Chancery, with two hundred pounds per annum, each for so long only as no part of that sum should be behindhand, and wanting to the said suitors, but subject to a recall of such deposit for the indemnification of said suitors, should the same at any time prove necessary. No such necessity has, since that period, occurred, or was ever likely to occur. But, Sir John said, he was very certain that many millions of money would be found lying dead in the Bank, alike unprofitable to the suitors and the public. To demonstrate whether he was founded or mistaken in this assumption, was the object of his present motion.—When the Bank account should be upon the table of the House, Parliament would be warranted to examine and to exercise its own judgement thereupon. He had not, he said, made up his mind respecting farther proceedings in the business, but, if some propositions should not come from quarters more

more enlightened and of much higher authority than himself, he certainly should trouble Parliament at a future time with some opinion on this subject, when the Bank account should be under the eye of the House.

Sir John then moved, "That there be prepared, in order to be laid before this House, early in the next session of Parliament, an account of the annual balances of the dead cash and securities in the Bank of England, belonging to the suitors of the Court of Chancery, from the 1st of October, 1739, to the 25th day of March, 1788, distinguishing the dead cash from the securities in each year, together with the totals."

Mr. *Martin*, having previously observed that the honourable Baronet had shewn him the motion since he came down to the house, and asked him to second it, added, that he rose for that purpose, but, as he knew nothing of it, he must beg leave to reserve to himself the right of opposing it, in case he should hear any arguments which might incline him to imagine that it merited an opposition.

Mr. *Chancellor Pitt* remarked, that he felt himself left in ignorance whether the motion was such as ought to pass or not, as the honourable Baronet had not shewn any ground for it, or explained why he made it. It appeared to him, that the motion would hold out an expectation that there was a sum of money capable of being applied to public uses, which he thought by no means expedient, unless it was stated previously, that such a specific sum actually was in the hands of the Bank. He wished, therefore, at least, that the motion might be postponed, till time had been allowed for inquiry.

Sir *John Miller* said, when the motion was complied with, the House would be able to see whether there were any large sums of money of the description he had given lying dead or not. If there should not appear to be any such sums in the Bank, no harm would be done, very little labour would have been lost, and the paper would remain upon the table for the satisfaction of the House.

Mr. *Orde* believed that such a motion had never been so introduced before. When the motion had been made in the year 1765, it was with a view to satisfy the suitors in Chancery, and to convince them that there was money enough belonging to the Court lodged in the Bank to answer all their claims. At present, there had been no application from the suitors to the House, nor any other ground whatever laid for the motion.

Upon putting the question, the motion was negatived.

The Masters in Chancery having brought down the slave transportation bill, with a message that the House of Lords had

had agreed to the same, with amendments, and the question being put, "That the House do now take the said amendments into consideration,"

Mr. Steele. Mr. Steele moved, "That the consideration of the said amendments be postponed till that day three months," which was unanimously agreed to.

Sir William Dolben. Sir William Dolben then moved for leave to bring in a new bill for providing certain temporary regulations, respecting the transportation of slaves in British ships to the West Indies. Leave having been given, Sir William Dolben brought in the bill, which was read a first time, and on the motion "That it be read a second time,"

Mr. Gamon. Mr. Gamon said, he had a petition to present from Mr. Tarleton and other gentlemen, the delegates of the African merchants of Liverpool, praying to be heard by themselves or counsel against the bill.

The petition was, upon motion, ordered to be brought up; and having been read,

Mr. Gamon. Mr. Gamon moved, "That the said petition do lie on the table, and that the petitioners be allowed to be heard against the bill, by themselves or counsel."

Mr. Chancellor Pitt. Mr. Chancellor Pitt observed that, for his own part, he should willingly assent to the prayer, "that the said petition do lie on the table;" and yet he must persist in his objection against the remaining words, "that the petitioners be heard by themselves or their counsel against the bill." The bill that had been just brought in, and read a first time, was essentially the same with that which had been sent from the House of Lords; but, in order to avoid the discussion of certain questions, which must arise in consequence of some of the amendments made by their Lordships in the bill, it was usual, in such cases, for the House to introduce a bill of their own, substantially the same as that sent from the Lords. As far as the amendments went, the bill was varied from the bill which was carried originally from that House; but then, every one of the alterations rendered the bill more favourable to the interests of the petitioners than it was when sent up from that House. The most material new clause, was one appointing commissioners to inquire into the claims of such merchants as should incur losses in consequence of the operation of the bill, and to assess the degree of compensation to be made. The idea, gentlemen would recollect, was not new; for, he had himself stated it to the House, when the bill was under discussion; but as it could not be carried into effect before the next session, he had not thought it necessary to put it in the bill. Since, however, other persons elsewhere had thought it necessary, he was glad the clause was inserted. To that clause, however, the petitioners undoubtedly could

not

not object, since it was a clause directly in their favour.— Indeed, the only clause on which the petitioners laid any stress, was a clause in favour of some persons under contract to furnish a certain number of slaves for the King of Spain; and these individuals, if no such clause were inserted, would become subject to pay certain penalties, in consequence of their obedience to the bill. The number of slaves which these contractors were to supply, he understood to be from three thousand to seven thousand a year, and the number they were bound to put on board their ships was by no means so many as had been the general practice of the trade, though it was not possible for them minutely to comply with all the restrictions of the bill. It did not, therefore, appear to him unreasonable, to except the persons holding that contract from the principles of the bill; but, how the merchants of Liverpool could contend, that their interests were affected by the clause relative to the persons under contract, he was at a loss to imagine. Under these circumstances, therefore, he saw no reason whatever for hearing counsel; and when what had passed in that House already, and the danger of delay at that period of the session, was considered, the conduct of the opposers of the bill ought to be watched with some caution and jealousy. The House had an undoubted right to continue to be the masters of its conduct, and, in all cases, to decide whether it would hear petitioners by themselves or counsel. Where any real ground for hearing counsel could be shewn, the House never would refuse granting such a prayer, and he would be the last man to advise such a refusal; but where there was no such ground, as in the present instance, he trusted the House would not consent to hear counsel. He should therefore move to leave out the latter part of the motion.

Mr. *Galsworthy* declared that he felt himself in a very awkward situation. He had never heard, till yesterday, that there were persons holding such a contract as that alluded to. He had then heard a noble Lord, very intelligent, and particularly in matters of trade, state the clause that now made a part of the bill, and he had only just been informed, that the gentlemen of Liverpool, who were concerned in the African trade, objected to that clause as materially affecting their interests. He was ready to confess, that, like the right honourable gentleman, in his own private opinion, he did not think the monopoly granted to the contract holders, could seriously interfere with the interests of the African merchants in general, and therefore he could have wished that the petitioners might be allowed to be heard by counsel, in order that they might make out their own case, and establish that to the conviction of the House, which (as they who must be

Mr. Galsworthy.

the best judges of it, declared it would) he believed would operate as an injury to the interests of the petitioners.

Mr. Gamon Mr. Gamon said, that, on the principle of humanity, he was ready at all times to go as far as the honourable Baronet who introduced the bill; but it was a new bill, and by no means the same with that which went out of the House: in fact, it was a perfect Proteus; open it one way, and it was a bill of humanity; open it another way, and it was a bill of oppression. The petitioners felt it in the latter point of view; they could best judge for themselves, and had an undoubted right to be heard by themselves or counsel.

The question was put, and Mr. Pitt's amendment carried.

Mr. Gamon Mr. Gamon then informed the House, that he had another petition to present from Mr. Stephen Fuller, agent to the island of Jamaica.

The petition was, upon demand, received and read. It contained general arguments against the bill; stating, that it had been declared that the whole of the question of the slave trade should be reserved for deliberate consideration next session; and that in consequence of advice from the West Indies, so late as the 25th of April last, the petitioner had good reason to apprehend an interruption of the slaves, in consequence of passing such a bill as the present, which would endanger the lives of twenty thousand of its inhabitants in the island of Jamaica alone; it therefore prayed, that the bill might not pass, and that the petitioner might be heard by counsel against it.

Mr. Chancellor Pitt then made the same motion of amendment as before, which was carried.

The question was then put, "That the bill be now read a second time."

Mr. Gascoyne Mr. Gascoyne remarked, that he still disapproved of the bill, notwithstanding the pains that had been taken with it in another House; nor could he avoid contending, that if it did not quite ruin the trade, it would so cramp and fetter it, as, in all probability, to throw it into the hands of our natural rivals. If, therefore, he had been a Member of the other House, he should have entered a written protest against it; but that not being the case, he could only protest against it, in words, which he did most heartily.

The bill was then read a second time, and a motion made, "That it be committed that day to a Committee of the whole House."

Mr. Chancellor Pitt Mr. Chancellor Pitt mentioned his design of moving a clause for certain bounties to the merchants, which had been opened in another House; but he intended to carry the principle of the clause somewhat farther, to which he conceived

no gentleman would object. His clause aimed effectually to encourage the preservation of the lives of the slaves, by enacting, that a bounty of one hundred pounds should be paid to every merchant in whose ship, during the voyage from the coast of Africa to the port of discharge, the mortality should not extend farther than to two slaves in a hundred, and a bounty of fifty pounds to the surgeon of the said ship, and also a bounty of fifty pounds to the merchant in whose ship, during the said voyage, the mortality should not extend beyond three in the hundred, and twenty-five pounds to the surgeon. These bounties, he hoped, would produce a good effect; as it had appeared from the evidence, that hitherto the lowest average amounted to at least six in every hundred slaves. But, as this bounty-clause would affect the public purse, it would be necessary for the House to resolve itself into a previous Committee of the whole House, for the consideration of certain bounties to be granted for the better regulation of the slave trade, in which Committee he should move, that it be an instruction to the Committee on the bill to receive such a clause as he had stated.

The House having, upon motion, resolved itself into a Committee, (Mr. Gilbert in the chair) Mr. Chancellor Pitt moved his instruction.

The Chairman having made his report, as soon as the House was resumed, the House resolved itself into a Committee of the whole House upon that bill, and in that Committee Mr. Pitt moved his bounty-clause, and also moved to leave the words "by letters patent," out of the clause appointing Commissioners to inquire into the claims of the merchants, and assess the quantum of compensation, observing that it was better to name the three Commissioners in the bill.—With their consent, therefore, he named Brooke Watson, Samuel Beachcroft, and William Roe, Esquires, (the first a Member of the House, and the two latter Commissioners of Public Accounts) to which nomination the Committee assented.

Having gone through the bill, Mr. Gilbert reported it to the House, and the bill, as amended, was ordered to be engrossed; after waiting for some time for which, the bill was read a third time, and ordered to be carried to the House of Lords by Sir William Dolben. The House adjourned to

Thursday, 8th July.

Sir William Dolben made a motion, for leave to bring in a new bill to regulate, for a limited time, the shipping and carrying slaves in British vessels from the coast of Africa.

The resolution of the 4th instant was read, and Sir William Dolben then presented the bill.

The same was read a first time, and on the motion, "That it be now read a second time,"

Mr. Gascoyne brought up two petitions against the bill, one from the merchants of Liverpool concerned in the African trade; and the other from Mr. Williams, praying to be heard against the bill by counsel. The petitions were read, and ordered to lie on the table.

Mr. Gascoyne.

Mr. Gascoyne said, that after all the trouble both Houses had taken, the amendment did not render the bill less objectionable than it appeared to him to be before it first went out of that House. He should therefore dissent from it.

Mr. Gamon

Mr. Gamon observed that, as far as the principle went, he went with it, as no man was more sincerely a friend to the cause of humanity; but the bill contained two clauses, which it was impossible for the House to understand, without some discussion; and these were, the compensation clause, and that containing a proviso in favour of the contract of Messrs. Dawson and Co with the King of Spain. If, therefore, the House did not take time for the discussion, but were willing precipitately to pass it through its several stages, without deliberation of any kind, he should consider it as his duty to move to leave out the word "now," and insert the words, "this day three months."

The House divided on the question, "That the word *now* stand part of the motion."

Ayes, 35; Noes, 2.

Tellers. Sir William Dolben, Mr. J. Mutin, Mr. Gascoyne, Mr. Gamon.

The bill was then read a second time, and the House immediately afterwards resolved itself into a Committee upon the bill, (Mr. Gilbert in the chair) when several amendments were proposed and agreed to. Among others, an amendment was moved by Mr. Sheridan, that the surgeons employed on board the African vessels, shall severally have been attested as having undergone a regular examination at Surgeons Hall, which was agreed to.

The bill having passed the Committee, was reported and engrossed, and then having been read a third time, was sent up to the House of Lords by Sir William Dolben.

The House adjourned to

Thursday, 10th July.

When no material debate occurred.

Friday, 11th July.

The slave-trade bill, which had been read a third time, without a dissentient voice, in the House of Peers, was brought back by the Masters in Chancery, and immediately returned

returned to the Upper House, that it might receive the Royal Assent.

This being given, and the Speaker of the House of Commons, accompanied by several Members, attending at the bar of the House of Lords, His Majesty made the following speech from the Throne.

“ My Lords and Gentlemen,

“ IN the present advanced season of the year, and after the laborious attendance which the public business has required of you, I think it necessary to put an end to the present session of Parliament. I cannot do this, without expressing the satisfaction with which I have observed the uniform and diligent attention to the welfare of my people, which has appeared in all your proceedings.”

“ Gentlemen of the House of Commons,

“ The cheerfulness and liberality with which you have granted the necessary supplies, demand my particular acknowledgements. It must afford you the greatest satisfaction, that you have been enabled, without any addition to the burden of my people, to provide for the extraordinary exigencies of the last year, in addition to the current demands of the public service, and to the sum annually appropriated to the reduction of the national debt.”

“ My Lords and Gentlemen,

“ I feel with concern the continuance of the war between Russia and the Porte, in which the Emperor has also taken a part. But the general state of Europe, and the assurances which I receive from foreign powers, afford me every reason to expect that my subjects will continue to enjoy the blessings of peace.

“ The engagements which I have recently entered into with my good brother the King of Prussia, and those with the States General of the United Provinces, which have already been communicated to you, are directed to this object, which I have uniformly in view, and they will, I trust, be productive of the happiest consequences in promoting the security and welfare of my own dominions, and in contributing to the general tranquility of Europe.”

The Lord Chancellor, having first received directions from His Majesty, said,

“ My Lords and Gentlemen,

“ IT is His Majesty's Royal will and pleasure, that this Parliament be prorogued to Thursday the 25th day of September next, to be then here holden; and this Parliament is accordingly prorogued to Thursday the 25th day of September next.”

The King then retired; the Commons withdrew; and the session closed.

Estimate of the Debt of His Majesty's Navy, on the Heads hereafter mentioned, as it stood on the 31st December, 1787.

HEADS OF THE NAVAL ESTIMATES.

Wear and tear, ordinary and extra Repairs, and Transports.

Due to pay off and discharge all the bills registered on the corps of the navy for stores, freight of transports, &c. Applied for the service thereof, — — — — —

For freight of transports and tenders, and for stores delivered into His Majesty's several Yards, &c. for which no bills were made out on the aforeaid 31st of December, 1787, as also to several bills of exchange, — — — — —

To His Majesty's several yards and rope yards for the ordinary and extraordinary, — — — — —

To half pay to sea officers, according to an establishment made by his late Majesty in Council on that behalf, *Seamen's Wages.* — — — — —

Due to pay the men unpaid on books of Ships paid off, — — — — —

To ships in sea pay on the aforeaid 31st December, 1787, — — — — —

To discharge and pay off all bills entered in course for ship cloaths, bedding for seamen, surgeons' necessaries, &c., *Vittualling Debt, as per Estimate, received from the Commissioners.* — — — — —

Due for short allowance to the companies of His Majesty's ships in pay, and which have been paid off, — — — — —

For payment of all bills entered on their course, — — — — —

For provisions delivered, and services performed, for which no bills were made out on the 31st December, 1787, — — — — —

For necessary and extra-necessary money bills of Exchange, and contingencies, — — — — —

To the officers, workmen, and labourers, employed at the several ports, *Sick and Hurt, the Debt of that Office, as per Estimate received from the Commissioners.* — — — — —

Due for quarters, and cure of sick and hurt seamen let on board from His Majesty's ships at the several ports, and for prisoners of war, and contingencies relating to that office, — — — — —

The total amounts to two millions, seven hundred and fourteen thousand, eight hundred and fifty seven pounds, Seventeen shillings and three pence, — — — — —

From thence deducting the money in the treasurer's hands, — — — — —

And also the money that remained to come in of the supplies, — — — — —

The debt will then be one million, eight hundred and ninety two thousand, six hundred and fifty pounds, one shilling and sixpence halfpenny, — — — — —

N. B. In this debt is included, for charge of transports and army victuallers, between the 1st January, and 31st December, 1787, — — — — —

And it appears by an account received from the Commissioners of the victualling (which is also included in this debt) that the expense of victuals supplied the soldiers between the 1st January, and 31st December, 1787, is, — — — — —

Navy Office, February 4, 1788.

PARLIAMENTARY

A. 1788

Total.

Particulars.

803595	15	7	1256841	1	5
116359	5	10			
227172	0	0			
159754	0	0			
659432	7	0	944960	0	7
284525	7	7			
30552	6	0			
30587	3	11			
420589	18	7			
12113	16	1			
2974	12	6			
12350	0	0	484482	11	1
0	0	0	48574	4	2
0	0	0			
317956	12	0	2714857	17	3
504251	3	7			
			822207	15	8
6	0	0			
56669	16	1	1892650	1	6
30080	4	8			
106750	0	9			

Memorandum. There was remaining in the Hands of the late and present Treasurers of the Navy, on the 31st December, 1787, in Money as under-mentioned, and may be reckoned towards satisfying the aforesaid Debt of the Navy.

In what Treasury, or Hand's	In MONEY	ON THE HEADS OF			TOTAL.
		Outward, and Treasurers	Expenditure & Wages	Actuals.	
Right Honourable William Pitt	In money, £ 54 11 11	1,335 3 4	1591 13 5	8728 18 11	
Pay at Lioness Point	£ 0 0 0	44 14 9	0 0 0	0 0 0	
Pay at Lioness Point	£ 32 9 0	4313 4 3	167 8 4	8312 0 3	
Right Honourable Henry Dundas (survivor)	In money, £ 6 2 11 11	5 91 11 0	513 10 5	9629 0 5	
Right Honourable Charles Townshend	£ 314 5 6	3715 1 9	1246 18 4	7961 14 5	
Right Honourable Henry Dundas	£ 7 15 4 3	583 0 11	2583 18 7	16184 3 4	
Right Honourable Henry Dundas	£ 14 19 11 2	696 19 6	992 1 8	267140 14 1	
Right Honourable Henry Dundas	£ 1615 7 8 17 9	13744 3 0	16130 11 2	317956 12 0	

There remained on the 31st December, 1787, to come in from the Exchequer of the supplies of the year 1787, - - - 50451 3 7 1/2
CHARLES MIDDLETON, J. HENSLOW, GEO. MARSH, GEO. ROGERS,
 Examined, in CRAM.

AN ESTIMATE of the Charge of what may be necessary for the Building, Rebuilding, and Repairs of Ships of War, in His Majesty's and the Merchants Yards, and other extra Works, over and above what are proposed to be done upon the Heads of Wear and Tear, and Ordinary, for the Year 1788, prepared pursuant to the Directions from the Right Honourable the Lords Commissioners of the Admiralty, signified by Letter, 30th past, from Philip Stephens, Esq.

Memorandum.—There are several Ships inferted in this Estimate, which in the last were estimated to be completed in the Year 1787; but on Account of the late Armament, the Times for completing the said Ships are unavoidably extended till the year 1788. Money is likewise inferted for completing the Masts, Yards, Furniture, and Stores, of several Ships, for which Money was granted on the last Estimate, as the said Articles could not be provided, in Consequence of the before-mentioned Circumstance.

Place where.	Guns.	Ships Names.	Building, or Nature of their Repair.	Time when may be		Charge of their		Total.
				Taken in Hand.	Completed.	Hulls, Masts, and Yards.	Rigging, and Stores.	
Deptford.	98	Windfor Castle	Building	In hand	Uncertain	£. 8000	£. 7590	£. 15590
	74	Brunswick	Building	In hand	Uncertain	14200	5250	19450
		New	Ordered to be built	—	—	1000	—	1000
		New	Ordered to be built	—	—	600	—	600
	Sloop 16	Thames	Large repair	March 1788	Nov. 1788	6790	—	6790
	32	Nemesis	Large repair	In hand	Sept. 1788	4190	2230	6420
	28	Atalanta	Large repair	In hand	March 1788	1240	—	1240
	Sloop	Vesuvius	Large repair	In hand	Feb. 1788	1220	—	1220
	Bomb		Fitting as a					
	44	Janus	fireship	July 1788	Dec. 1788	6400	2700	9100

Deptford.

Guardian
Leda 36
Inconstant 32
Iris 28
Alligator
Lizard
Proserpine
Triton
Circe

Cyclops

Lapwing

Boyne. 98
Prince 74
Minotaur
New
New
Latona
Sloop 16
38

Woodwicks

Ceres 32
Juno 20
Sphinx 44
Mediator
Captain 74

For completing her masts and yards
For completing her masts and yards
For completing her masts and yards
For completing her masts and yards
For completing her masts and yards
For completing her masts and yards
For completing her masts and yards
For completing her masts and yards
For completing her masts, yards, furniture,
and stores
For completing her masts, yards, furniture,
and stores
For completing her masts, yards, furniture,
and stores
Building In hand Uncertain
Building In hand Feb. 1788
Building In hand Uncertain
Ordered to be built
Ordered to be built
Between small
& middle repair June 1788 Nov. 1788
Small repair Nov. 1788 Uncertain
Small repair In hand June 1788
Small repair June 1788 Nov. 1788
Fitting as a
Row-ship In hand June 1788
For completing her hull, masts, and yards

£. 170
160
140
130
130
130
220
130
130
650
660
650
—
3160
—
—
—
3790
1250
1950
1400
—
1950
—

£. 170
160
140
130
130
130
220
130
130
780
890
780
12800
5050
5790
1000
600
9170
2400
7630
5820
—
9180
—

A 1788

Woolwich.

24

Eurydice

For completing her masts, yards, furniture, and stores

£.

£.

679

Boston

For completing her masts and yards

120

550

20

Danaë

For completing her masts and yards

20

—

20

Niger

For completing her masts and yards

60

—

60

Amphitrite

For completing her masts and yards

10

—

10

Centurion

For completing her furniture and stores

—

1710

1710

Mercury

For completing her furniture and stores

—

1730

1730

Falcon

For completing her sails

—

300

300

Royal George

Building In hand August 1788

23900

6130

30430

Queen Charlotte

Building In hand Uncertain

19500

—

19500

New

Ordered to be built

1000

—

1000

New

Ordered to be built

500

—

500

Conqueror

Between final and middling repair Nov. 1788 Uncertain

2000

—

2000

Marlborough

Between middling and large repair In hand Oct. 1788.

20000

3950

23950

Monarch

Large repair In hand Uncertain

13000

3550

16550

Vengeance

Middling repair In hand Aug. 1788

12000

3780

15780

Dictator

Small repair Aug. 1788 Nov. 1788

4000

1160

5160

Fly

Small repair March 1788 May 1788

1500

1060

2560

Excellent

For completing her hull, furniture, & stores

1460

2270

3730

Ramilles

For completing her rigging and blocks

—

1300

1300

Victorious

For completing her rigging and blocks

—

1300

1300

Leopard

Building In hand Uncertain

4300

—

4300

Adamant

Betw. middling & great repair In hand Sept. 1788

10900

3480

14380

Chatham.

Sloop 16.

74

Sheerness.

50

A. 1788.

EXPENDITURE

A. 1788.

D. E B A T E

[illegible]

Plymouth.		New		Ordered to be built		£.	
Ship 16		New		Ordered to be built		1000	1000
60		Namur		middling repair	In hand	600	600
80		Gibraltar		Betw. small &	Feb. 1788	*1800	1800
				middling repair	Feb. 1788	17300	17310
74		Egmont		middling repair	Dec. 1788	19020	19020
		Powerful		Small repair	Sept. 1788	6000	6000
64		Diatem		Small repair	June 1788	6750	9580
32		Andromeda		Small repair	Feb. 1788	1500	1500
		Penelope		Very fm. repair	April 1788	2190	2190
90		Siren		Very fm. repair	Feb. 1788	3540	3540
64		Ocean		For completing her masts and yards	April 1788.	80	80
		Argonaut		For completing her masts and yards	-	560	560
Total for the Ships in the King's Yards				-	-	405610	83030488640
MERCHANT'S YARD.							
Bucklers Yard.	74	Illustrious		Building	In hand	Feb. 1789	2360 19360
Grand Total for the Ships				-	-	422610	85390 508000

* This is a mistake of the copying clerk, which is not in the Editor's power to rectify.

A. 1788.

D E B A T E S.

On WORKS of the YARDS.

13
£.

Deptford.	To building a house for the second assistant	530
Woolwich.	Towards carrying on a new mast pond, and wharfs on the new ground - - -	7000
Chatham.	To building two mast-houses, with a new slip to join those at North side of the South mast pond drain - - -	2200
	To building an additional bay of boathouses to join the others - - -	290
	To laying the floor of the new laying house	590
	Towards building a new rope house -	10500
	To completing the new hatchelling house	1630
	To completing the new tarring house	830
Sheerness.	To completing the new boat houses, and slip	1380
Portsmouth.	To completing the new offices for the officers	600
	To building 150 feet running of stone wharf, at the North side of the Mast Pond -	6450
	To building 165 feet running of stone wharf, between the Landing Hulk and South Dock	10400
	To building 50 feet running of stone wharf, on the South side of the Boat house Channel	2050
	To building 50 feet running of stone wharf on the North side of the Boat house Channel	2050
	To completing the joiners' shops and house carpenters' rooms under them - - -	2070
	To building the boat storehouses and cabins	5670
	To building the men storehouses and cabins	5670
	To complete the North slip on the new ground	3460
Plymouth.	Towards carrying on 70 feet in length of wharf wall, on the East side of the Mast Pond, with one wall for forming the locks for masts, and two bays of plank houses over them, including the expence of digging the rock and rubble	2770
	To blowing and levelling the rock at White Horse Hill - - -	830
	Towards building the North pier and wharf and part of the new dock, including the expence of digging the rock and rubble	11850
	Towards making 2 pair of gates for the new dock	1600
	To repairing the timber work, and carrying on the wharf wall of the South middle jetty head - - -	6200
	To complete the paving of the mast house slips with Purbeck pitchers - - -	2110

88820
Brought

	Brought over	-	-	-	£.	88820
	To compleat the digging away the rock for building the North east new rigging house	-	-	-	60	
	Towards building the North east new rigging house	-	-	-	5460	
	Towards building a wall, blowing away the rock, &c. at the East side of the Mast Pond, to form the road in front of the plank houses over the locks	-	-	-	870	
	Towards stuccoing part of the fronts of the marine barracks at Stonehouse, with composition mortar	-	-	-	460	
Lambeth.	Towards building a barge house for the barges belonging to the Admiralty and Navy Offices with apartments over part of them, for the barge-masters, and a slip to extend down to low water mark, the leases of the present houses being expired, and intended to be given up	-	-	-	800	
Red-House	To building a tally-house and an office for the Clerk of the Cheque, with a repository for books on the victualling premises	-	-	-	500	
					<u>96970</u>	
	Grand total for the ships, brought forward				508000	
	Grand total				<u>604970</u>	

A B S T R A C T.

For the ships in his Majesty's yards	Hulls	405610	
	Rigging and stores	83030	
		<u>488640</u>	
For a ship in Merchant's yard	Hull	17000	
	Rigging and stores	2360	
		<u>19360</u>	
Towards the improvements in the yards, victualling premises, &c.	-	-	96970
			<u>604970</u>
	Grand total		<u>604970</u>

Viz. The sum of six hundred and four thousand nine hundred and seventy pounds.

Chas. Middleton, J. Henslow, Geo. Marsh, Geo. Rogers,
ABSTRACT

A. 1788.

DEBATES

ABSTRACT of the Ordinary Estimate of the Navy for the Year 1788.

To the Right Honourable the Lords Commissioners for executing the Office of Lord High Admiral of Great Britain, the Commissioners of the Navy, with their Secretaries, Officers, Clerks, Instruments and Contingencies relating thereto

£. s. d.

— — 56730 14 1

£. s. d.

Superannuated Sea Officers — 31482 17 11

Pensions and other Allowances — 10604 16 11

42087 14 10

Chatham — 4200 5 0

Deptford — 3585 18 0

Woolwich - 4057 16 0

Portsmouth 6126 10 0

Sheerness - 2434 8 6

Plymouth - 4946 7 8

25351 5 2

Mustee Master and other officers of the out ports - 4508 6 11

Wages to ships and vessels in ordinary — 76503 2 6

Victuals to officers and men living therein — 33096 7 6

Charge of harbour, mooring, and harbour rigging 62870 0 0

Ordinary repairs of His Majesty's ships in harbour, and of the docks, wharfs, buildings, &c. — 216445 0 0

Half pay to sea officers — — 185000 0 0

Bounty to chaplains — — 1231 17 6

Ordinary charge of the victualling establishment 29135 17 1

Ordinary charge of sick and hurt seamen — 6150 7 0

Total of the ordinary estimate of the navy for the year 1788 —

737110 12 7

An Account of the total Net Produce (paid into the Exchequer) of the Duties of Excise; the Duties on which shall have amounted to 1000l. or more, between the 5th of January 1787, and the 5th of January 1788.

	£.	s.	d.		£.	s.	d.
England	6018923	11	3				
Scotland	206704	0	0				
	<hr/>	<hr/>			6225627	11	3
Perpetual Duties							
England	601180	0	0				
Scotland	16000	0	0				
	<hr/>	<hr/>			617180	0	0
Annual Duties							
					<hr/>	<hr/>	
				Total	6842807	11	3

G. J. Cholmondeley,
D. Papillon,
W. Lowndes,
M. Buicll,
M. Whiff,
H. Revcley.

Excise Office, London,
April 23d, 1788.

J. Webb, Accomptant General.

A. 1788.

D E B A T E S.

1787.

An Account of the Total Sums paid into the Exchequer, between the 5th of January 1787 and the 5th of January 1788, on Account of the Stamp Duties; distinguishing the Sums paid on each Tax.

	£.	s.	d.
Consolidated Stamps - - - -	602,494	12	8
Insurance - - - - -	96,516	18	1
Burials, &c. - - - - -	4,268	15	7
Bills of Exchange - - - - -	81,131	14	4
Receipts - - - - -	41,470	8	2
Hats - - - - -	25,196	9	11
Plate - - - - -	22,707	16	8
Horse Dealers' Licences,* and Race Horses -	4,328	9	10
Post Horses - - - - -	169,410	12	9
Quack Medicines - - - - -	11,018	7	2
Certificates for killing Game - - - - -	45,898	16	3
Attornies' Licences - - - - -	25,583	18	0
Pawnbrokers Licences - - - - -	4,393	7	10
Gloves - - - - -	12,199	12	3
Perfumery - - - - -	13,243	1	11
Judges' Duty, Scotland - - - - -	1,096	4	1
Apprentice Duty - - - - -	7,226	5	2
	<hr/>		
	£.	1,168,185	10 8

Stamp Office,
April 23d 1788.

J. LLOYD, pro Comptr.

An Account of the net Produce of the Duties of Customs, Excise, Stamps, and Incidents, between the 5th Day of April, 1786, and the 5th Day of April, 1787; and between the 5th Day of April, 1787, and the 5th Day of April, 1788.

	1787.			1788.		
	£.	s.	d.	£.	s.	d.
Customs	—	—	—	424 12 19	5	6 1/2
Excise	—	—	—	500 20 5	5	8 1/2
Stamps	—	—	—	1153 0 0	9	9 1/2
INCIDENTS.						
Salt, 5th April, 1759	—	—	—	1396 12	15	10 1/2
Additional duty, to h. V. y., 1760	—	—	—	510 15	11	6
Ditto, 22d June, 1762	—	—	—	612 11	1	1 1/2
700 per week letter money, 1st June, 1777	—	—	—	20 0 0	0	0
2300	—	—	—	1190 8 0	6	0
Seizures, 25th Oct. 1760	—	—	—	54 19	18	4 1/2
Proffers, ditto	—	—	—	60 16	2	—
Fines of lease, do.	—	—	—	55 12	15	4
Letter money, do.	—	—	—	105 0 0	0	0
Alum mines, do.	—	—	—	96 0	0	0
Composition duty, do.	—	—	—	1 10	0	—
Alienation duty, do.	—	—	—	125 15	4	—
Fines and forfeitures, do.	—	—	—	12 0	0	—
Rent of a light house	—	—	—	6 13	4	—
Rent of Savoy lands, do.	—	—	—	—	—	—
Gd. per lib. on pensions, 24th June, 1721	—	—	—	27 10 0	0	0
rs. deduct on salaries, &c. 20th April 1758	—	—	—	2095 2	2 1/2	—
Houses and windows, 18th Oct. 1760	—	—	—	3 10 17	13	11 1/2
Houses, 1th April, 1778	—	—	—	12 15 20	8	4
Hawkers and pedlars, 23d June, 1710	—	—	—	15 5	0	0
Hackney coaches, 1st August, 1711	—	—	—	98 14	8	11
Ditto 1784	—	—	—	12 7 9	0	0
Hawkers and pedlars, 23d July, 1785	—	—	—	172 13	11	—
First fruits of the clergy	—	—	—	64 13	9	3
Salt, 1st August, 1785	—	—	—	12000	0	0
Tithes of the clergy	—	—	—	9903	14	10 1/2
Men servants, 1777 (arrear)	—	—	—	23	16	4
Two-wheel carriages, 1785	—	—	—	21690	6	9 1/2
Four-wheel do.	—	—	—	103710	4	4 1/2
Carts, ditto	—	—	—	6891	18	7 1/2
Men servants, do.	—	—	—	78326	6	10
Female ditto	—	—	—	27434	14	7 1/2
Horses, ditto	—	—	—	80964	2	10
Shops, ditto	—	—	—	43427	7	0
Waggons, ditto	—	—	—	12163	11	4 1/2
Houses, anno 1727	—	—	—	773	10	3
Consol. letter money, anno 1787	—	—	—	—	—	—
Ditto salt, ditto	—	—	—	—	—	—
Total of incidents	—	—	—	1681887	12	6 1/2
Total of customs, excise, stamps, and incidents	—	—	—	12546112	13	7

Exchequer, the 28th day
of April, 1788.

JOHN HUGHSON.

				Gross Receipt of Duties.	Drawbacks paid or payable on Exportation.				Net Revenue, subject to the payment of Bounties, and of certain Drawbacks, and also to the Charges of Management.			
Damask Sil. Tabling	-	2119	17	0	103	1	10	2016	15	2		
	-	59576	9	1	16054	18	1	43521	11	0		
Germany, Narrow	-	2433	7	10	663	19	10	1769	8	0		
Lawns, Sil. Holl. whited	-	1514	10	2	2468	12	3					
not Holl. whited	-	19444	19	8	1401	1	5	17983	18	3		
Ruffia.	{ Broad, above 22½	31½	-	-	4)1	19	5	2968	3	10		
	—	36	-	-	8352	13	0	11871	5	4		
	Drilling	-	-	-	773	13	0	3359	4	5		
	Narrow	-	-	-	239	15	0	7449	7	0		
Ordinary	-	15735	2	0	2470	0	4	12705	1	8		
Sallad	-	4174	1	6	203	14	9	420	6	9		
Trian	-	5765	6	10	364	11	0	540	15	10		
Ston and Tai	-	7314	8	10	119	11	7	7164	17	3		
eds, Clove	-	1592	6	5	21	1	11	1571	4	6		
at, White	-	1664	15	2	1911	14	5					
Raw	-	717	1	11	1865	2	2	25631	19	9		
Thrown	-	14828	8	0	4397	15	9	136430	12	3		
Wrought	-	3775	5	2	951	18	0	2523	7	2		
Bear, Black	-	6166	1	0	5657	0	0	509	1	0		
Call, Tanned	-	3741	5	11				3411	5	11		
Deer in Hair	-	12639	12	3	4158	11	10	8461	0	5		
— Indian, ½ drift	-	1012	10	1	648	15	11	393	14	2		
Goat, Tanned	-	4114	5	10				4214	5	10		
Kid in Hair	-	2362	6	7				2362	6	7		
Martin	-	7701	19	10	6276	17	6	1425	2	4		
Otter	-	2048	11	10	2175	1	3	473	10	7		
Seal	-	2912	13	4	12	7	6	290	5	10		
Wolf	-	4293	18	9	3501	3	6	792	15	3		
Warts	-	9218	14	9	1404	1	8	7614	13	1		
Spirits, Brandy	-	63769	17	9	1654	7	4	62115	10	5		
Rum	-	39885	0	10	15223	6	8	24661	14	2		
Tobacco	-	462540	10	8	52560	15	0	309979	15	8		
Thread, Sifted	-	1985	9	11	144	19	10	1640	10	1		
Perpetine, Common	-	8867	17	3	34	15	3	8613	2	0		
Wax, Bees	-	4254	11	2	62	18	6	4191	12	8		
French	-	61207	6	10	6168	7	0	5028	19	10		
Port	-	302412	14	3	7789	10	1	294054	4	2		
Rhenish	-	5674	13	0	630	4	11	5244	8	1		
Spanish	-	75354	13	0	21093	15	0	54260	18	0		
Hattens	-	8693	1	5	8	10	4	8684	11	1		
Deals, Ordinary	-	105180	17	7	7	17	8	105172	19	11		
Oak Plank	-	3704	9	2				3704	9	2		
Staves, Hhd. and Pipe	-	13180	11	4	661	14	6	12518	16	10		
Timber, In	-	52020	15	0	3	3	1	52017	11	11		
East-India Goods	-	255202	5	2				255202	5	2		
Tea	-	45125	3	4				45195	3	4		

	Gross Receipt of Duties.	Drawbacks paid or payable on Exportation.	Net Revenue, subject to the Payment of Bounties, and of certain Drawbacks, and also to the Charges of Management
Tea - - - - -	134438 0 4		134438 0 4
15 and 18 per cent. Goods - - - - -	247990 14 7		247990 14 7
Sum paid by the Receiver Gen. of the Customs to the Receiver Gen. of the Customs, to make up the Deficiency on Tea - - - - -	214109 6 5		214109 6 5
Remittances made by the Receiver Gen. of the Customs in Scotland - - - - -	70000 0 0		70000 0 0
Subsidy received on Goods exported - - - - -	141676 7 9		141676 7 9
Amount of Duties received on Goods brought Coastwise - - - - -	516666 18 9		516666 18 9
<hr/>			
Amount of Articles accounted for, the Duties whereof upon each have amounted to £. 1000 and upwards, on Importation - - - - -	*4866357 2 2	303216 3 9	4566981 18 1
<hr/>			
Amount of the Gross Receipt of the Customs in the Year 1787 - - - - -	4964742 4 8	Amount of net Payments into the Exchequer. }	3714476 19 2½
Amount of the Duties of the Articles above accounted for, brought down - - - - -	*4866357 2 2		
			<hr/> 852504 19 0
<hr/>			
Remains unaccounted for - - - - -	98385 2 6	Which Sum arises on small Articles, the Duties whereof did not amount to £. 1000 on each.	

Inspector General's Office,
Custom House, London,
28th April 1788.

THOMAS IRVING,
Inspector General
of the Imports and Exports of
Great Britain.

An Account of the total Sums paid into the Exchequer, between the 5th Day of April 1787, and the 5th Day of April 1788, on Account of the Duties on Stamps; distinguishing the Sums paid on each Tax.

	£.	s.	d.
Consolidated Duties	616526	12	8
Insurance Duty	97499	18	1
Burials, &c.	4081	15	7
Bills of Exchange	88265	14	4
Receipts	47993	8	2
Hats	25253	9	11
Plate	22873	16	8
Horse Dealers' Licences, and Race Horses	4198		10
Post Horse Duty	17557	12	9
Medicine	11372	7	2
Game	44959	16	3
Attornies' Licences, &c.	26104	18	0
Pawnbrokers	4132	7	10
Gloves	12482	12	3
Perfumery	12232	1	11
Judges' Duty in Scotland	1031	4	1
Apprentice Duty	7363	5	2
	1201029	10	8

Stamp Office,
April 29th, 1788.

J. LLOYD, pro Compt.

An

An Account of the total Net Produce (paid into the Exchequer) of the Duties of Excise; the Duties on which shall have amounted to 1000l. or more, between the 5th of April, 1787, and the 5th of April, 1788

	£.	s.	d.		£.	s.	d.
England	6,121,186	15	8½				
Scotland	247,002	8					
		-					
					6,368,189	3	8½
Perpetual duties							
England	603,123						
Stotland	17,000						
					620,123		
Annual malt, &c,							
				Total	6,988,312	3	8½

N. B. Before the 11th of May last, when consolidation took place, the net produce of rates on several articles taxed at the same time, made one subsidy, and was paid into the Exchequer accordingly in the aggregate; therefore no account can be rendered of the net Produce into the Exchequer, of many articles separately, before the 11th May.

G. J. Cholmondely,
D. Papillon,
W. Lowndes,
M. Burrell,
St. Brooksbank,
M. Whiff,
H. Reveley,
J. Olmuis.

Excise Office, London,

April 29th, 1788.

James Webb, Accomptant General.

An Account of the total Sums arising from the Duties on Inhabited Houses, under an Act of the 24th of his present Majesty, which, in pursuance of the said Act, have been paid over by the Persons appointed to receive the same, to the Receiver General of His Majesty's Customs, between the 5th of January, 1787, and the 5th of January, 1788.

	1787.		Anno	£.	s.	d.
Jan.	8	Somerset - - - James Coles - -	1785	900	0	0
		Do. - - - Do. - -	1785	1100	0	0
		Wales, North - Bell Lloyd - -	1784	400	0	0
		Do. - - - Do. - -	1786	1000	0	0
	9	Lincoln - - Bartholomew Claypon	Do.	1500	0	0
	15	Derby - - Samuel Crompton - -	Do.	1000	0	0
	16	Sursey - - John Ford - -	1785	1800	0	0
		Wilts - - Edmund Wilkins - -	1784	115	16	8
		Devon - - Daniel Hamilton - -	1785	1400	0	0
		Do. - - - Do. - -	1786	200	0	0
	26	Lincoln - - Bartholomew Claypon	1784	906	15	0 $\frac{1}{2}$
		Do. - - - Do. - -	1785	100	10	2 $\frac{1}{2}$
	27	Essex - - John Yeldham - -	1784	84	10	6
		Northam. and Rut. T. W. Partington - -	1785	500	0	0
	29	Salop - - Somerset Davies - -	1784	173	3	3 $\frac{1}{2}$
		Norfolk - - Roger Kemton - -	1786	1000	0	0
	31	Warwick - - Thomas Little - -	1785	2000	0	0
Feb.	1	Norfolk - - William Fisher - -	1786	2000	0	0
		Essex - - Robert Andrews - -	1785	352	16	4 $\frac{1}{2}$
		Cumberland, &c. Matthew Atkinson - -	Do.	99	1	4 $\frac{1}{2}$
	3	Devon - - Daniel Hamilton - -	1784	101	1	4 $\frac{1}{2}$
		Suffolk - - John Spiak - -	1786	1000	0	0
		Wilts - - Thomas Phipps - -	Do.	1000	0	0
		Scotland - - Hon. Keith Stewart - -	1785	3000	0	0
		Northam. and Rut. T. W. Partington - -	Do.	400	0	0
	6	Derby - - Samuel Crompton - -	Do.	1000	0	0
		Bucks - - Philip Box - -	Do.	342	18	5 $\frac{1}{2}$
	7	Warwick - - Bryan Troughton - -	Do.	800	0	0
	9	Wales, South - Peter Du Buiffon - -	1784	54	18	8 $\frac{1}{2}$
		London, &c. - C. E. Wilfom - -	1786	10000	0	0
		Somerset - - Charles Hutchings - -	1785	50	0	0
		Do. - - - Do. - -	1786	1800	0	0
	10	York - - George Cooke - -	Do.	1000	0	0
	12	Norfolk - - William Fisher - -	1785	900	0	0
		Do. - - - Do. - -	1786	500	0	0
		Somerset - - James Coles - -	1784	1111	11	2 $\frac{1}{2}$
	13	Chesster - - Thomas Mills - -	1785	44	4	0
	14	Warwick - - Bryan Troughton - -	1786	600	0	0
	15	Wales, North - Bell Lloyd - -	1784	51	4	1 $\frac{1}{2}$
	16	Dorset - - Francis Steward - -	1786	1000	0	0
		Nottingham - - George Mason - -	Do.	1000	0	0

Warwick

A. 1788,

1787.

Feb.	16	Warwick	-	John Cam	-	1785	560	0
		Hereford	-	Do.	-	1786	1200	0
	19	Kent	-	Sir B. Bridges, Bart.	-	1785	356	0
		Scotland	-	Hon. Keith Stewart	-	Do.	2000	0
		Warwick	-	Thomas Little	-	Do.	1000	0
		Leicester	-	Rogers Ruding	-	1786	1000	0
	22	Hertford	-	John Balchen West	-	184	7	9
		Wales, North	-	John Herbert	-	1785	400	0
	23	Monmouth	-	Paul Morgan	-	1784	170	10
	26	Durham and Northumberland	-	Aubone Suittees	-	1785	56	0
		Do.	-	Do.	-	1786	2210	0
		Surrey	-	John Ford	-	1784	154	0
		Worcester	-	Joseph Belwick	-	1785	1300	0
	27	Kent	-	Sir B. Bridges, Bart.	-	1786	3000	0
		Stafford	-	Francis Cobb	-	1784	78	14
		Cambridge and Fly	-	Samuel Francis	-	Do.	41	3
		Derby	-	Samuel Crompton	-	1785	500	0
	28	York	-	Mumaduke Constable	-	1786	1000	0
March	2	Do.	-	George Cooke	-	Do.	1000	0
		Surrey	-	John Ford	-	1785	1000	0
		Wilt.	-	Edmund Wilkins	-	1785	600	0
		Do.	-	Do.	-	1786	500	0
	3	Devon	-	Richard Rose Drewe	-	1785	400	0
		Do.	-	Do.	-	1786	600	0
		Oxford	-	Thomas Walker	-	1784	2215	15
		Somerset	-	Charles Hutchings	-	Do.	30	0
		Norfolk	-	William Fisher	-	1786	500	0
		Northam. and Rut.	-	T. W. Partington	-	1785	28	10
	6	Leicester	-	Rogers Ruding	-	1785	500	0
		Do.	-	Do.	-	1786	800	0
	8	Warwick	-	Thomas Little	-	1785	200	0
		Gloucester	-	Sir John Gunie, Bart.	-	1784	22	12
		Do.	-	Do.	-	1785	2000	0
		Do.	-	Do.	-	1786	500	0
		Stafford	-	Francis Cobb	-	1785	400	0
		Do.	-	Do.	-	1786	600	0
		Devon	-	Richard Rose Drewe	-	Do.	800	0
	14	Essex	-	John Yeldham	-	1785	37	0
	16	Surrey	-	John Ford	-	Do.	4000	0
	17	Wales, North	-	John Herbert	-	1784	237	0
	21	Oxford	-	Thomas Walker	-	1786	1000	0
	22	Norfolk	-	Roger Kerrison	-	Do.	1000	0
	24	Wilt.	-	Thomas Phipps	-	1785	26	10
		Lincoln	-	Thomas Fyde	-	Do.	2500	0
	26	Norfolk	-	William Fisher	-	Do.	908	10
	27	Hereford	-	John Cam	-	1784	84	15
	29	Norfolk	-	Roger Kerrison	-	1785	1000	0
		Lancaster	-	John Gregson	-	Do.	300	0
		Do.	-	Do.	-	1786	2000	0
April	3	Somerset	-	James Coles	-	1785	295	0
		Do.	-	Do.	-	1786	577	0

PARLIAMENTARY

A. 1788.

		Anno	£.	s.	d.
London, &c.	- C. E. Willkomm	- 1786	15000	0	0
York	- Marmaduke Constable	- Do.	1000	0	0
Do.	- Do.	- 1785	83	19	1
Devon	- Daniel Hamilton	- Do.	300	0	0
Do.	- Do.	- 1786	120	0	0
Warwick	- Thomas Little	- 1785	1000	0	0
Do.	- Do.	- 1786	1500	0	0
Do.	- Bryan Troughton	- 1785	900	0	0
Essex	- Robert Andrews	- 1786	4000	0	0
Do.	- John Yeldham	- 1785	8	15	0
Cumberland and Westmorland	- Matthew Atkinson	- 1786	2000	0	0
Derby	- Samuel Crumpton	- Do.	1000	0	0
Southampton	- John Jennings	- 1785	478	4	2½
Suffolk	- John Spink	- 1786	3000	0	0
Northampton	- William Fisher	- Do.	1000	0	0
Wilts	- Thomas Phipps	- Do.	1500	0	0
Cheshire	- H. C. Carter	- Do.	000	0	0
Huntingdon	- C. St. Rowley	- Do.	1000	0	0
Dorset	- Francis Steward	- Do.	2000	0	0
Warwick	- Bryan Troughton	- 1786	2000	0	0
Wales, North	- Peter D. Euston	- 1785	1500	0	0
Somerset	- Charles Hutchings	- 1786	1500	0	0
Southampton	- John Jennings	- Do.	685	13	6
Essex	- John Yeldham	- 1786	2800	0	0
Bucks	- Philip Cox	- Do.	2000	0	0
Northampton	- T. W. Pittington	- Do.	2000	0	0
Stafford	- Francis Cobb	- Do.	3000	0	0
Cornwall	- Charles Raffleigh	- Do.	2500	0	0
London, &c.	- C. E. Willkomm	- 1785	40	0	0
Do.	- Do.	- 1786	16000	0	0
York	- G. G. Cooke	- Do.	2200	0	0
Durham, &c.	- Aubone Suttees	- Do.	2100	0	0
Bedford	- John Miller	- 1785	19	0	0
Do.	- Do.	- 1786	2100	0	0
Bucks	- Henry Tomkins	- Do.	3400	0	0
Somerset	- Charles Hutchings	- Do.	230	0	0
York	- Marmaduke Constable	- Do.	1000	0	0
Norfolk	- Roger Kerison	- Do.	1500	0	0
Gloucester	- Sir John Guise, Bart.	- 1785	550	0	0
Do.	- Do.	- 1786	3500	0	0
Hertford	- John Bilchen West	- 1785	1185	1	5
Wales, North	- Bell Lloyd	- Do.	300	0	0
Do.	- Do.	- 1786	400	0	0
Surrey	- John Ford	- 1785	2324	4	5
Worcester	- Joseph Berwick	- 1785	2100	0	0
Do.	- Do.	- 1786	176	0	0
Wilt	- Edmund Wilkins	- 1785	300	0	0
Nottingham	- George Mason	- Do.	478	0	11
Do.	- Do.	- 1786	1500	0	0
Nottingham	- Hen. Keith Stewart	- 1784	2000	0	0
Do.	- Do.	- 1785	3000	0	0

Leicester

A. 1788.

D E B A T E S .

1787.		Anno		
May	11 Leicester	- Rogers Ruding	- 1785	212 3
	Do.	- Do.	- 1786	700 0
	12 York	- George Cook	- 1785	101 14
	14 Huntingdon	- Owlety Rowley	- Do.	137 12
	16 Hertford	- John Bilson West	- 1786	7111 0
	21 Kent	- Sir B. Bridges, Bart.	- Do.	8000 0
	Surrey	- John Ford	- Do.	5000 0
	23 Wales, South	- Peter du Buiffon	- 1785	100 0
	Do.	- Do.	- 1786	2700 0
	24 Lincoln	- Thomas Fyddell	- 1784	192 19
	Do.	- Executors of H. B. Patey	- 1785	356 17
	25 Norfolk	- Roger Kerriton	- Do.	392 13
	Surrey	- John Ford	- 1786	2000 0
	26 Cambridge and Fly	- Christopher Penbinton	- Do.	2000 0
June	27 Hertford	- John Cam	- Do.	1300 0
	31 York	- George Cooke	- 1786	4900 0
	Devon	- Richard Rose Drevce	- Do.	1200 0
	York	- Marmaduke Constable	- Do.	2000 0
	Leicester	- Rogers Ruding	- 1785	21 7
	1 Derby	- John Greston	- Do.	113 18
	2 Derby	- Samuel Crompton	- 1786	500 0
	Wilt	- Edmund Walkin	- Do.	3000 0
	Suffolk	- James Oakes	- Do.	2000 0
	Salop	- Thomas Fyton	- Do.	1000 0
	Durham, &c.	- Anthony Surtees	- 1785	97 0
	Do.	- Do.	- 1786	360 0
	7 Bucks	- John Deane	- 1785	500 0
	Do.	- Do.	- 1786	3000 0
	8 Derby	- Samuel Crompton	- 1785	728 9
	Surrey	- John Ford	- 1786	4000 0
	9 Devon	- Richard Rose Drevce	- 1785	300 0
	Do.	- Do.	- 1786	1400 0
	12 Leicester	- John Greston	- Do.	8500 0
	Gloucester	- James Colles	- Do.	1885 0
	13 Glamorgan	- Edmund Traherne	- 1785	162 19
	14 Lincoln	- Bartholomew Claypon	- 1786	3000 0
	Salop	- Thomas Fyton	- Do.	1350 0
	15 Surrey	- John Ford	- Do.	2000 0
	16 York	- Marmaduke Constable	- Do.	1000 0
	19 Stafford	- Francis Cobb	- Do.	1500 0
	20 Wales, North	- Bell Loyd	- 1785	145 0
	Do.	- Do.	- 1786	800 0
	22 Salop	- Thomas Egerton	- Do.	238 8
	Suffex	- William Mifford	- 1786	5000 0
	23 Lincoln	- Thomas Fyddell	- Do.	2500 0
	28 Monmouth	- Paul Morgan	- 1785	212 11
	Do.	- Do.	- 1786	500 0
	Norfolk	- William Fuher	- Do.	2000 0
	Hereford	- John Cam	- 1785	200 0
	Wales, North	- John Herbert	- Do.	101 14
July	2 Derby	- Samuel Crompton	- 1786	1000 0
	3 London, &c.	- C. E. Willson	- Do.	80000 0

PARLIAMENTARY

A. 1788.

			Anno	£.	s.	d.
July	5	Northam. and Rut.	T. W. Partington	1786	2000	0 0
	10	Devon	Daniel Hamilton	1785	700	0 0
		Do.	Do.	1786	1300	0 0
	13	Glamorgan	Edmund Traherne	Do.	1500	0 0
	14	Lincoln	Thomas Fyddell	Do.	450	0 0
	17	Oxford	Thomas Walker	1784	20	7 3
	19	Bucks	Philip Box	1786	400	0 0
	23	Gloucester	Sir John Guife, Bart.	Do.	2000	0 0
	26	Warwick	Thomas Little	1786	75	13 1½
	27	Dorset	Francis Steward	1786	500	0 0
August		Do.	Do.	1787	500	0 0
	2	Wilts	Thomas Phipps	1786	1300	0 0
		Somerset	Charles Hutchings	Do.	1600	0 0
		Do.	Do.	1787	400	0 0
	3	Cornwall	Charles Rashleigh	1785	188	17 0½
	7	Essex	John Yeldham	1786	1000	0 0
		Warwick	Thomas Little	Do.	500	0 0
	9	London, &c.	C. E. Wilfonn	1785	775	16 6
		Hereford	John Cam	1786	500	0 0
	16	Nottingham	George Mafon	Do.	1000	0 0
		Cambridge and Ely	Christopher Pemberton	Do.	500	0 0
	20	Gloucester	Sir John Guife, Bart.	1785	350	0 0
		Do.	Do.	1786	300	0 0
		Derby	Samuel Crompton	Do.	500	0 0
	21	Leicester	Rogers Ruding	Do.	1000	0 0
	25	Suffolk	John Spink	Do.	500	0 0
		Kent	Sir B. Bridges, Bart.	Do.	2500	0 0
	27	Northam. and Rut.	T. W. Partington	Do.	500	0 0
	29	Worcester	Joseph Berwick	1785	600	0 0
		Do.	Do.	1786	1800	0 0
Sept.	30	Devon	Daniel Hamilton	Do.	800	0 0
	31	Wilts	Edmund Wilkins	1785	90	0 0
		Do.	Do.	1786	500	0 0
		Derby	Samuel Crompton	Do.	700	0 0
	5	Wales, North	John Herbert	Do.	1000	0 0
	6	Stafford	Francis Cobb	Do.	1000	0 0
	11	Do.	Do.	1785	34	4 3
	13	Surrey	John Ford	1786	4000	0 0
		Salop	Thomas Eyton	Do.	300	0 0
	20	Hereford	John Cam	1785	126	15 1½
		York	George Cooke	1787	600	0 0
		Oxford	Thomas Walker	1786	1000	0 0
	24	Somerset	Charles Hutchins	1785	165	1 11
		York	Marmaduke Constable	1787	1000	0 0
	25	Cornwall	Charles Rashleigh	Do.	500	0 0
October	26	Durham, &c.	William Surtees	Do.	650	0 0
	28	Chester	H. C. Cotton	1786	800	0 0
		Worcester	Joseph Berwick	1785	151	4 1½
	1	Huntingdon	Oswely Rowley	1786	400	0 0
	2	Norfolk	Roger Kerrison	Do.	1000	0 0
	3	Durham, &c.	Aubone Surtees	1787	1675	0 0
	5	London, &c.	C. E. Wilfonn	1786	50000	0 0
	9	Somerset	James Coles	1785	16	0 0

Somerset

A. 1788. D E B A T E S.

178

			Anno	£.	s.	d.
1787.						
October	9	Somerfet - James Coles -	1786	872	0	0
	11	Lancaster - John Gregson -	Do.	2000	0	0
	23	Devon - Richard Rose Drewe -	Do.	800	0	0
	27	Huntingdon - Owfely Rowley -	Do.	2000	0	0
	29	Flux - Robert Andrews -	Do.	2000	0	0
		Do. - Do. -	1787	3000	0	0
Nov.	2	Dorset - Francis Steward -	1786	500	0	0
		Do. - Do. -	1787	1000	0	0
	6	Somerfet - Charles Hutchins -	1786	100	0	0
		Do. - Do. -	1787	2100	0	0
	7	Devon - Richard Rose Drewe -	1785	71	8	42
	8	Warwick - Thomas Little -	1786	900	0	0
	10	Cumberland, &c. Matthew Atkinson -	1787	580	0	0
		Do. - Do. -	Do.	2000	0	0
		York - George Cook -	1786	250	0	0
		Do. - Do. -	1787	2100	0	0
		South impton - John Jennings -	Do.	5400	0	0
	12	Northam. and Rut. I. W. Partington -	Do.	1900	0	0
		Do. - Do. -	1786	1400	0	0
	16	Suffolk - John Spink -	Do.	188	1	7
		Gloucester - Sir J. Guise, Bart. -	1786	1200	0	0
		Nottingham - George Mason -	1787	1000	0	0
	17	Gloucester - Sir J. Guise, Bart. -	1785	140	0	0
		Do. - Do. -	1787	1000	0	0
	19	Batford - John Miller -	1785	1	6	8
		Do. - Do. -	1786	405	15	1
		Do. - Do. -	1787	350	0	0
	20	Suffolk - John Spink -	Do.	1000	0	0
		Kent - Sir B. Bridges, Bart. -	1786	1300	0	0
		Do. - Do. -	1787	6200	0	0
		Derby - Samuel Crompton -	Do.	1000	0	0
	23	Leicester - Rogers Ruding -	1786	1000	0	0
		Cornwall - Charles Raffleigh -	1787	2000	0	0
	24	Illes - John Yeldham -	Do.	2000	0	0
		Suffolk - James Oakes -	Do.	2400	0	0
	26	York - George Cook -	Do.	4500	0	0
	27	Heitford - John Balchen West -	1786	485	0	0
		Wilts - Thomas Phipps -	1787	1000	0	0
	29	Salop - Somerset Davies -	1785	321	2	6
		Norfolk - William Fisher -	1787	600	0	0
		Berks - John Deane -	1785	459	16	10
		Wales, South - Peter Du Buison -	1787	1000	0	0
Dec.	1	Wilts - Edmund Wilkins -	1786	200	0	0
		Do. - Do. -	1787	900	0	0
	4	Cambridge and Fly Christopher Pemberton -	1786	500	0	0
		Do. - Do. -	1787	1500	0	0
	7	Suffolk - John Spink -	Do.	1500	0	0
	8	Hertford - John Cam -	1786	300	0	0
		Do. - Do. -	1787	600	0	0
		Lincoln - Thomas Fyde -	Do.	206	6	8
	10	Derby - Samuel Crompton -	1785	4	8	4
		Durham, &c. - William Surtees -	1787	2200	0	0
	13	Oxford - Thomas Walker -	1785	1000	0	0

Oxfo

				Anno	£.	s.	d.
1787.							
Dec.	13	Oxford	- Thomas Walker	- 1786	1000	0	0
		Wilt.	- Edmund Wilkins	- 1785	1	10	4
		Dorset	- Francis Steward	- Do.	574	2	8
		Warwick	- Bryan Troughton	- 1786	800	0	0
	14	Suffex	- William Mitford	- Do.	276	11	1½
		Southampton	- John Jennings	- 1787	156	0	0
		Worcester	- Joseph Berwick	- 1786	304	0	0
	17	Norfolk	- Roger Kerstons	- Do.	1000	0	0
		Scotland	- Hon. Keith Stuart	- Do.	4000	0	0
	18	Cumberland, &c.	- Matthew Adinson	- Do.	21	17	9
		Monmouth	- Paul Morrin	- 1787	500	0	0
		York	- George Cooke	- 1785	18	17	11
	19	Salop	- Thomas Eytton	- Do.	1250	0	0
		Shrop	- William Matford	- 1787	4000	0	0
		Lincoln	- Thomas Jewell	- 1786	206	6	8½
	20	Stafford	- James Cobb	- Do.	241	10	6
		Devon	- Do.	- 1787	2	0	0
		Wilt.	- Thomas Phillips	- 1786	176	15	8
		Warwick	- Bryan Troughton	- 1787	1000	0	0
		Cambridge and Fly	- Christopher Kempster	- Do.	50	0	0
		Surrey	- John Ford	- 1786	4	00	0
	21	Norfolk	- William Eytton	- Do.	2	0	0
		Essex	- John Eytton	- Do.	2	0	0
	22	Cheshire	- H. C. Cotton	- Do.	436	18	2
		Do.	- Do.	- 1787	350	0	0
	23	York	- Marmaduke Constable	- Do.	4000	0	0
		Norfolk	- Roger Kerstons	- Do.	100	0	0
		Lancaster	- John Grogton	- 1786	600	0	0
		Do.	- Do.	- 1787	4000	0	0
	24	Wales, North	- Bell Lloyd	- 1785	100	0	0
1788.							
Jan.	2	Oxford	- Thomas Walker	- Do.	500	0	0
	4	London, &c.	- C. E. Wilton	- 1786	19000	0	0
		Oxford	- Thomas Walker	- 1786	500	0	0
		Salop	- Thomas Eytton	- Do.	400	0	0
		Do.	- Do.	- 1787	1000	0	0
	5	Surrey	- John Ford	- 1786	300	0	0
		Do.	- Do.	- 1787	200	0	0
Total					53090	10	5½

John Trenchard,
Daniel Bull,
John Evans,
George Blount,
1 Townes Luttell.

Office for Taxes,
7th April, 1788.

Estimate of the Charge of defraying the Civil Establishment of the Province of New Brunswick, in America, from the 24th of June, 1788, to the 24th of June, 1789.

			L.
The salary of the Lieutenant Governor	-	-	1000
Chief Justice	-	-	500
Salary to three Assistant Judges, 300 <i>l.</i> each	-	-	900
Attorney General	-	-	150
Secretary, Register, and Clerk of the Council	-	-	250
Naval Officer	-	-	100
Surveyor General of Lands			150
Agent	-	-	150
To stipends and allowances to Ministers	-	-	600
To an allowance on account for unforeseen contingencies			500
			<hr/>
			4300
			<hr/>

An Account of the Net Produce of all the Taxes from the 5th of January, 1786, to the 5th of January, 1787; and from the 5th of January 1787, to the 5th of January, 1788.

	1787.			1788.		
	£.	s.	d.	£.	s.	d.
Customs	—	—	—	4063314	7	2 $\frac{1}{2}$
Excise	—	—	—	5531114	6	10 $\frac{1}{4}$
Stamps	—	—	—	1181464	11	10 $\frac{1}{4}$
INCIDENTS.						
Salt, 5th April, 1759	—	—	—	241853	4	10 $\frac{1}{2}$
Additional duty, 10th May, 1780	—	—	—	60463	3	7 $\frac{1}{2}$
Ditto, 22d June, 1782	—	—	—	62954	0	6
700l. per week, letter money, 1st June, 1711	—	—	—	36400	0	0
2300l. per week, ditto, 1784	—	—	—	119600	0	0
Seizures, ditto, 1760	—	—	—	4442	14	7
Proffers, ditto	—	—	—	635	16	11
Fines of leases, ditto	—	—	—	6073	15	4
Alum mines, ditto	—	—	—	960	0	0
Compositions, ditto	—	—	—	2	10	0
Alienation duty, ditto	—	—	—	1351	15	4
Fines and forfeitures, ditto	—	—	—	105	0	0
Rent of a light house, ditto	—	—	—	6	13	4
Rent of Savoy lands, ditto	—	—	—	—	—	—
Letter money, ditto	—	—	—	95000	0	0
6d. per lib on pensions, 24th June, 1721	—	—	—	5530	0	0
1s. deduct. on salaries, 5th April, 1758	—	—	—	29410	16	0 $\frac{1}{2}$
Houses and windows, 10th October, 1766	—	—	—	414050	13	2 $\frac{1}{2}$
Houses, 5th April, 1778	—	—	—	125470	0	10 $\frac{1}{4}$
Hawkers and pedlars, 5th July, 1710	—	—	—	1025	0	0
Hackney coaches, 1st Aug. 1711	—	—	—	9324	8	11
Ditto, 1784	—	—	—	11979	0	0
Hawkers and Pedlars, 5th July, 1785	—	—	—	2070	13	11
First fruits of the clergy	—	—	—	6413	9	3
Salt, 1st August, 1785	—	—	—	12000	0	0
Tiths of the clergy	—	—	—	9903	14	10 $\frac{1}{2}$
Male servants, ditto, 1785	—	—	—	64586	18	6 $\frac{1}{2}$
Female ditto	—	—	—	19061	19	0 $\frac{1}{2}$
Four-wheel carriages, ditto	—	—	—	86407	14	1
Two-wheel, ditto	—	—	—	18595	16	8 $\frac{1}{2}$
Horses, ditto	—	—	—	72448	0	6 $\frac{1}{2}$
Waggons, ditto	—	—	—	8446	18	2 $\frac{1}{2}$
Carts, ditto	—	—	—	4887	0	0 $\frac{1}{2}$
Shops, ditto	—	—	—	32796	6	7 $\frac{1}{2}$
Houses and windows, ditto, 1727	—	—	—	773	10	3
Male servants, ditto, 1777, arrears	—	—	—	20	19	0
Consol. letter money, ditto, 1787	—	—	—	0	0	0
Ditto salt, ditto	—	—	—	0	0	0
Total of customs, excise, stamps and incidents	—	—	—	1613661	15	2
	—	—	—	12389555	1	1 $\frac{1}{2}$
	—	—	—	180969	7	5 $\frac{1}{2}$
	—	—	—	12923134	17	2 $\frac{1}{2}$

Exchequer, the 3d Day
of April, 1788.

JOHN HUGHSON.

An Estimate of the Gross Receipt, Payments, and neat Produce of the Revenue of Customs in England, for Two Years, to the 5th of January, 1788, and the Payments into the Exchequer.

Year.	Gross Receipt in Money and Bonds.	Payments.				Neat Produce.	Paymets into the Exchequer
		Debentures.	Bounties.	Certificates.	Salaries and In- cidents.		
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1786	7589817 5 6	1372579 1 11½	376021 8 4½	99365 2 3½	307254 4 3½	5434597 8 7	5985732 15 10
X 1787	6511245 0 0	2876831 0 0	374755 0 0	133615 0 0	315833 0 0	2808211 0 0	3578350 10 2½

JOSEPH POWELL, for the Comptroller General.

Custom House,
13th March, 1788.

An Account of the total Produce of the Duties of Customs, distinguishing, as far as possible, the gross and neat Produce on every separate Article, the Duty on which has amounted to £. 1000 or upwards; between the 5th Day of April, 1787, and the 5th day of April, 1788.

SPECIES										Net Produce, sub- ject to the Pay- ment of certain Drawbacks, of Bounties, and of Expenses incurred in Management.									
OF MERCHANDISE.										Draw backs paid or payable on Goods exported									
Gross Receipt of Duties																			
£. s. d.										£. s. d.									
£. s. d.										£. s. d.									
Barrilla - - -										253	80	17 1	116	1	3	25264	15	10	
Brimstone - - -										124	25	16 11	629	19	5	11795	17	6	
Bristles, undrest - - -										400	0	0	96	5	3	4904	4	9	
Cork - - -										329	1	16 7	37	18	9	3253	17	10	
Drugs.	Cortex Peruv. - - -										6540	16	11	707	18	3	58,2	18	8
	Ginseng - - -										4646	14	8	2356	9	11	2340	4	9
	Juniper Berries - - -										2363	3	5	10	16	5	2552	7	0
	Manna - - -										-	-	-	-	-	-	-	-	-
	Quicksilver - - -										2897	8	0	114	15	4	2782	12	8
Drugs.	Saccharum Saturni - - -										1446	13	9	14	10	2	1432	3	7
	Senna - - -										1563	8	6	115	9	10	1719	18	8
	Succus Liquoritic - - -										3931	3	2	-	-	-	3931	3	2
	Elephants' Teeth - - -										2940	15	6	1428	0	3	1412	15	3
	Feathers for Beds - - -										3666	5	9	9	12	9	3656	13	0
Grocery.	Almonds, Sweet - - -										5860	5	9	1144	16	5	4715	9	4
	Currants - - -										61859	12	3	2266	16	7	59552	15	8
	Figs - - -										4497	19	4	133	17	7	4364	1	9
	Ginger - - -										4935	9	8	3462	15	4	1472	14	4
	Cocoa - - -										1470	4	2	Nett Duty	-	-	1470	4	2
	Nutmegs - - -										1660	10	0	194	8	6	1666	1	6
	Pimento - - -										14655	10	9	11618	18	6	3030	12	3
	Plums - - -										5013	18	1	116	11	1	5797	7	0
	Raisins.										13476	17	8	1356	7	11	12070	9	9
	Denia - - -										6378	17	10	76	8	11	6302	8	11
Grocery.	Lipia - - -										5309	1	3	40	1	2	5269	0	1
	Malaga - - -										5481	9	4	719	10	10	4701	18	6
	Smyrna - - -										27445	12	6	6865	17	3	20579	15	3
	Solis - - -										7685	0	4	-	-	-	7685	0	4
	Rice - - -										1119040	7	10	84811	19	6	1034228	8	4
Grocery.	Sugar, Brown - - -										2066	12	0	-	-	-	2066	12	0
	Tea, Human - - -										11041	13	3	Nett Duty	-	-	11041	13	3
	Coffee - - -										3538	2	5	414	6	11	3123	15	6
	Hats, Chip - - -										-	-	-	-	-	-	-	-	-
	Ditto, Straw - - -										63670	6	2	1668	4	2	62002	2	0
Grocery.	Juncle, Wrought - - -										3080	7	3	122	15	2	2957	12	1
	Iron, Bar - - -										121792	9	5	11943	2	1	109840	7	4
	Lemons										-	-	-	-	-	-	-	-	-

SPECIES			OF			Drawbacks paid or			Neat Produce, sub-				
MERCHANDIZE.			Gross Receipt of			payable on Goods			ject to the Pay-				
			Duties			Imported.			ment of certain				
			£.	s.	d.	£.	s.	d.	£.	s.	d.		
Lemon.	Lemons and Oranges		-	11379	1	1	713	18	8	11165	2	5	
	{	Cambicks	-	17013	14	4	699	13	5	16314	0	11	
		Cumins, Hestens	-	18411	3	1	543	3	4	17875	19	9	
		— Sprice	-	15368	1	5	2249	5	5	13138	16	0	
		Dum Sil Iubling	-	1117	16	2	94	16	6	1822	19	8	
		Greening, Narrow	-	467	52	16	8	15257	1	10	33395	14	10
		Lawn, Sil. Holl. White	-	208	8	8	1032	8	11	1275	19	9	
		— nct Holl. White	-	1468	11	10	2355	11	3				
		Ruffia	Broad, above 22½	-	7965	15	5	1637	12	5	18018	3	0
			— above 31½	-	3329	10	3	528	11	9	2800	18	6
			— above 36	-	20265	17	2	9147	2	4	11113	14	10
			Dilling	-	4154	10	4	894	14	0	3259	16	4
Oil.	Oil, Ordinary		-	177	18	10	1329	17	0	11943	1	10	
	— Sallid		-	4516	19	8	271	9	6	4221	10	2	
	— Trian		-	877	19	5	238	15	11	8499	3	6	
Pitch and Tar			-	7014	1	10	112	9	1	6902	3	9	
Rozin			-										
Salt, White			-	1558	7	2	1737	3	8				
Seed, Clover			-	2417	19	7	4	1	11	2463	17	8	
Silk, Raw			-	16374	17	3	1502	6	0	16822	11	0	
— Trown			-	14555	19	0	3352	13	7	141933	5	5	
— Wor. Capes, &c.			-	2846	17	0	534	1	6	2312	15	6	
Skins.	{	Beir, Buck,	-	5747	10	0	5992	0	0	655	10	0	
		Cult, Tanned,	-	1741	7	7				1741	7	7	
		Deer in Hair	-	12340	7	0	4120	1	10	8220	5	2	
		— Indian, I drest	-	1131	17	6	571	0	7	560	16	11	
		Gout, Tanned	-	4373	0	0				4373	0	0	
		Kid in Hair	-	2735	8	1				2735	8	1	
		Mutton	-	7766	1	4	496	7	6	3569	13	10	
		Otter	-	2680	17	3	2065	7	6	615	9	9	
Skins.	{	Scul	-	2919	0	8	10	14	7	2908	6	1	
		Wolf	-	4258	4	3	3995	13	6	262	10	10	
Smalts,			-	9072	1	8	1640	2	3	7431	19	5	
Spirits, Brandy			-	74826	12	10	1734	11	8	73092	1	2	
— Run,			-	41805	7	7	14268	8	9	27536	18	10	
Tapes, Open,			-										
Tobacco			-	429610	7	8	57962	13	9	371647	13	11	
Thread, Sisters			-	1881	14	3	101	1	1	1780	13	2	
Turpentine, Common			-	7276	16	7	34	0	3	7242	16	4	
Wax, Bees			-	5536	17	4	77	3	6	5459	13	10	
Wine.	{	French	-	61316	1	10	7631	15	5	53684	6	5	
		Port	-	299110	19	9	6381	13	4	292729	6	5	

SPECIES OF MERCHANDIZE.			Gross Receipt of Duties.			Drawbacks paid or payable on Goods exported.			Neat Produce, sub- ject to the Pay- ment of certain Drawbacks, of Bounties, and of Expenses incur- red in Manage- ment.		
			£.	s.	d.	£.	s.	d.	£.	s.	d.
Wine.	{ Rhenish	-	5743	2	7	384	0	10	5359	1	9
	{ Spanish	-	84253	1	3	20009	1	0	64244	0	3
Wood.	{ Buttens	-	9115	0	6	8	10	5	9106	10	1
	{ Deals, Ordinary	-	103341	4	7	53	14	8	103287	9	11
	{ Oak Planks	-	3801	7	5				3801	7	5
	{ Staves, Hhd. and Pipe	-	13542	5	9	573	18	8	12966	7	1
	{ Timber Fir	-	50524	8	5	0	12	5	50523	10	0
	Rated East-India Goods	-	312053	17	7	—			312053	17	7
	Unrated ditto	-	45195	3	4	—			45195	3	4
	15 and 18 per Cent Duties	-	271248	1	6	—			271248	1	6
	Tea	-	132572	1	11	—			132572	1	11
Sums paid by the Rec. General of the Counties, to make up the Deficiency on Tea			217975	3	10	—			217975	3	10
Remittances by the Receiver General of the Customs of Scotland			130000	0	0	—			130000	0	0
	Subsidy on Goods exported	-	146137	11	4	—			146137	11	4
	Duty on Coals carried Coastwise	-	526045	13	9	—			526045	13	9
Total			4967992	5	7	307525	2	0	4661732	19	6
Gross Receipt of the Customs			5091278	9	7	Neat Pay- ments into the Excheq			3817289		
Total Amount of the Duties accounted for, brought down			4967992	5	7						
									844443	16	9
			123286	4	0	which Sum arises out of small Articles, Duties whereof did not amount to 1000l.					

Custom House, London,
30th April, 1788.

THOMAS IRVING,
Inspector General of the Imports
and Exports of Great Britain.

A. 1788.

D E B A T E S.

157

Excise Return to the Order of the honourable House of Commons, dated the 8th February 1788, being an Account of the Quantities of Rum, Coffee, and Cocoa, imported into the several Ports of Great Britain from the British Sugar Colonies, from Christmas 1786, to Christmas 1787 (O.S.) inclusive, with the Duties of Excise payable on each Article.

The several Ports.	R U M at 4s. 8d. to 10th May, from 10th May at 3s. 7d.			C O F F E E at 6½d. commenced 10th May 1787.		C O C O A at 6½d. commenced 18th May 1787.	
	Gallons.	£.	s.	d.	lb	lb	
Bristol	230579	41447	18	5	283	18	10
Hull	14103	2526	15	9	24	15	7½
Lancaster	105280	18866	8	1	14251	19	1
Liverpool	482336	86909	12	2	24020	18	3
Newcastle	16982	3168	14	2	8	1	11½
Plymouth	910	163	0	10			
Pool	68	12	3	8			
Portsmouth	389	77	3	5			
Rochester	353	68	17	7			
Whitehaven	10431	1868	17	9			
London	1254860½	225212	19	7½	1126073	30497	16
	2116291½	380322	11	5½	2550923	69087	9
						281111	2½
						403056	8
							5½
						10916	2
							0

N.B. The Excise Duties on Coffee and Cocoa were repealed 15th Sept. 1784, and not renewed till 10 May 1787.

Excise Office,
London, Febr. 27th, 1788.
L. Wabb, Accountant General.

D. Papillon. A. Lucas.
W. Lowndes. W. Burrell.
St. Brookbank. M. Which. J. Olmuis.

An Account of the Value and Amount of Goods, being Foreign Produce and Manufacture, entered for Exportation to the British Sugar Colonies, from the several Ports in Great Britain, from Christmas 1786, to Christmas 1787; distinguishing such Goods as have been imported by the East India Company.

		Species of Goods.	Quantity.	Value.		
				£.	s.	d.
Corn.		Beads coral —	3 $\frac{1}{2}$	1	4	10
		Books bound —	2 0 0	16	0	0
		Boxes pills —	100 6 0	29	6	3
		Brimstone —	120 0 12	111	1	9
		Bugle, great —	535	43	7	6
		Beans —	291 5 0	437	8	9
		Oats —	14967	981	8	11
		Oatmeal —	92 6 0	92	15	0
		Wheat flour —	24 0 18	12	1	6
		Almonds bitter —	1 2 18	4	15	1
		Aloes Cicotrina —	60 $\frac{1}{2}$	2	5	4
		— Epatica —	47	1	15	3
		Antimonium Crudum —	0 1 17	0	6	3
		Asa Fætida —	42 $\frac{1}{4}$	5	6	10
		Camphire unrefined —	10	0	10	0
		Cantharides —	663 $\frac{1}{2}$	199	1	0
		Cassia Lignea —	1397	186	18	4
		Cardamoms —	2 $\frac{1}{2}$	0	8	9
		Cortex Peruv. —	6267 $\frac{1}{2}$	940	2	6
Drugs.		Cream of Tartar —	2 1 2	6	10	4
		Gambogium —	9 $\frac{3}{4}$	0	16	3
		Gum Arabic —	0 2 4	1	10	0
		Jallap —	508 $\frac{1}{2}$	74	2	11
		Isinglass —	0 1 4	4	0	0
		Juniper berries —	5 2 7	13	18	1
		Manna —	787 $\frac{1}{4}$	88	12	8
		Myrrh —	79 $\frac{1}{4}$	8	12	9
		Oil perfumed —	23 $\frac{1}{4}$	6	19	6
		Opium —	327 $\frac{1}{4}$	81	16	3
		Quicksilver —	210 $\frac{1}{4}$	63	1	6
		Radix Ipecacuana —	184 $\frac{1}{4}$	46	1	3
		— Serpentaria —	83	16	12	0
		Saccarum Saturni —	19	9	10	4
		Sarsaparilla —	611	40	14	8
		Senna —	370 $\frac{1}{2}$	46	7	9
		Succus Liquoritiæ —	0 0 26	1	10	0
		Drugs at value		275	14	9
					Annatto	

		Species of Goods.	Quantity.	Value		
				£.	s.	d.
Dyestuffs.	{	Annotto —	40	5	16	8
		Brazil —	0 2 3 21	11	0	3
		Saffron —	26½	20	8	6
		Smalts —	40	0	16	8
		Feathers for beds	6 0 5	28	14	2
Grocery.	{	Flax rough	40 0 0	85	0	0
		Fish, cod	55 0 0	55	0	0
		Almonds, sweet —	16 2 4	45	9	3
		Anniseeds —	3 1 15	6	18	8
		Barley, pearl —	22 1 20	24	17	2
		Cinnamon —	266	66	10	0
		Cloves —	167½	62	16	3
		Coffee —	0 0 12	1	10	11
		Currants —	171 1 12	317	0	0
		Figs —	5 3 3	4	3	7
		Mace —	131½	124	18	6
		Nutmegs —	279½	91	1	8
		Pimento —	4	0	2	4
		Prunes —	57 1 19	50	2	6
		Raisins, Denia —	28 2 6	28	11	0
		— Lipra 1 —	46 2 10	46	11	8
		— Smyrna —	38 2 2	32	16	2
		— Solis —	436 0 8	456	14	0
		Rice —	429 0 7	429	1	2
		Sugar, brown —	2 1 20	6	5	11
		Turmeric —	4	0	1	8
		Hats, chip —	51 0	15	12	6
		— straw —	6 0 0	3	15	0
		Incle, wrought	43 6	104	8	0
		Iron, bar	139 14 1 26	1888	17	5
		Lace, bone	13½	2	7	3
Linens.	{	Cambricks —	1666¼	1997	8	7
		Canvass heffens —	130 1 13	458	17	5
		— spruce —	739 2 13	1673	16	11
		Damask Silesia napkening	524	24	0	4
		— ditto tabling	835	115	0	2
		Diaper Silesia napkening	3887	129	11	4
		Diaper Silesia tabling	598	57	15	10
		— Russia narrow under ½ ell	29 2 0	76	6	9
		Germany broad under 36 inches	126 0 27	1072	18	3
		— narrow	4301 0 22	23754	16	11
		— ditto striped	12 2 19	113	18	6
		Holland & Flan. under 1s 1-8 ell	2 3 0	54	5	4
		Irish plain 6½ to 18d. for bounty	243560	12678	0	0
		— sheeting, ditto, ditto	1466	73	6	0

		Species of Goods.			Quantity.			Value.		
								£.	s.	d.
Linens.	{	Irish plain, not for bounty			525			65	12	6
		Lawns, Silesia Holland whited			2309 $\frac{3}{4}$			923	18	0
		— ditto, not Holland whited			6412 $\frac{1}{2}$			2566	12	0
		Russia broad above 22 $\frac{1}{2}$			187	1	5	1045	3	11
		— above 31 $\frac{1}{2}$			74	0	27	586	8	9
		— above 36			581	0	15	4809	14	5
		— drilling			83	0	1 $\frac{1}{2}$	247	15	6
		— narrow			186	3	8 $\frac{1}{2}$	467	3	3
		— fail cloth			0	2	25	5	13	4
		Ticks —			81			120	1	0
		Matts, Russia			32			0	12	0
		Oil, ordinary			0	3	30	38	6	3
		— tailed			2417 $\frac{1}{4}$			483	11	0
		— train			1	3	6	23	18	1
Provisions.	{	Bacon and ham.			36	3	2	83	18	6
		Beef —			10	0	87	16403	0	0
		Bread and biscuits			40	0	0	26	0	0
		Butter —			6506	2	27	8106	13	0
		Pork —			10017			16673	18	2
		Silk wrought crapes			61	1		103	16	0
		Spirits, brandy			3081			766	17	1
		Geneva			4063			825	8	0
		Rum			6448			1920	0	0
		Tallow			470	0	3	781	4	7
		Thread, Sifters			4			2	12	0
		Tobacco			42229			961	3	9
		Wax, bees			0	3	12	5	18	3
		Water, Pyrmont			8	6		3	3	9
Wines.	{	Canary —			1	3	4 $\frac{1}{2}$	72	9	5
		French —			98	1	6	5834	13	4
		Madeira —			24	2	33	1152	1	2
		Port — —			162	2	46	5330	9	2
		Rhenish — —			3	2	4	190	5	1
		Spanish — —			68	1	30	2315	19	9
		Other wines —						23	16	1
Wood.	{	Deals, ordinary			6	0	14	20	9	8
		Staves, barrel			80	0	20	54	18	7
		Timber, fir			5	10		5	4	0
Total								123209	16	2
Goods imported by the East India Company.										
		China ware			65831			1646	2	9
		Borax refined			4			2	0	0
		Rhubarb			868 $\frac{1}{4}$			1101	12	9
		Pepper			7852			481	17	4
		Sago			24	3	10	125	3	5
Groceries,										

A. 1788.

D E B A T E S.

<i>Species of Goods.</i>	<i>Quantity.</i>	<i>Value.</i>		
		£.	s.	d.
Groceries, tea	31345	6338	17	4
Piece goods, Bengal rated	1329-710ths	797	16	2
Ditto unrated	13722 4-10ths	14369	4	4
Saltpetre	17 2 6	57	0	8
		<hr/>		
		24919	14	9
Brought over		123209	16	2
		<hr/>		
Total		148129	10	11

Inspector General's Office,
Custom-House, March 16, 1788.

THOMAS IRVING,

Inspector General of the exports and im-
ports of Great Britain.

An Account of the Number of Ships and other Vessels, cleared Outwards from the different Ports of South Britain for the West Indies; and the Number of Ships and other Vessels, with their Tonnage, entered Inwards, from the same Colonies, from Christmas 1786, to Christmas 1787.

PORTS.	INWARDS.				OUTWARDS.			
	British.		Foreign.		British.		Foreign.	
	Ships	Tons.	Ships	Tons	Ships	Tons.	Ships	Tons
Bristol -	71	16209	—	—	73	16913	—	—
Berwick -	1	127	—	—	—	—	—	—
Chepstow -	—	—	—	—	1	132	—	—
Cowes -	—	—	—	—	2	483	—	—
Hull -	1	203	—	—	2	333	—	—
Lancaster -	32	4943	—	—	37	5665	—	—
Liverpool -	143	27578	—	—	87	17463	—	—
Newcastle -	1	114	—	—	9	2157	—	—
Penzance -	1	164	—	—	1	120	—	—
Plymouth -	—	—	—	—	4	737	—	—
Poole -	—	—	—	—	1	266	—	—
Southampton -	—	—	—	—	1	177	—	—
Swansea -	—	—	—	—	3	579	—	—
Whitehaven -	3	444	—	—	12	2232	—	—
Total Out Ports -	254	49782	—	—	233	47257	—	—
London -	252	70418	—	—	218	61695	—	—
Total -	506	120200	—	—	451	108952	—	—

Custom House, London,
13 March, 1788.

JAMES TURNER, Pro. Reg.
General of Shipping.

An Account of the Number of Ships and other Vessels entered inwards, and cleared outwards, in the British Sugar Colonies, to and from the several Ports in the British Colonies in North America, and the United States of America, from Michaelmas 1786, to Michaelmas 1787, with their respective Tonnage.

INWARDS.				OUTWARDS.			
British Colonies in North America.		States of America.		British Colonies in North America.		States of America.	
Number of Vessels.	Tonnage.	Number of Vessels.	Tonnage.	Number of Vessels.	Tonnage.	Number of Vessels.	Tonnage.
255	5063	454	500	1410	373	35145	2852

THOMAS IRVING,
Inspector General
of Import and Exports of Great Britain,
and of British Colonies.

I, Inspector General, do hereby certify that the above is a true and correct copy of the original Papers, in which the above is contained up to the 1st of October, 1787, from the West India Company, to a later Date than the 5th July.

Inspector General of Officers
Colonel Hovell, M. A. 1787, 1788

An Account of the Number* of Ships, and other Vessels, cleared outwards from the different Ports of that Part of Great Britain called Scotland, for the British Sugar Colonies; and the Number of Ships, and other Vessels, with their Tonnage, entered inwards, from the same Colonies, from Christmas 1786, to Christmas 1787.

P O R T S.	Ships and Vessels cleared outwards.		Ships and Vessels entered inwards.	
	Number.	Tonnage.	Number.	Tonnage.
Aberdeen - -	1	110	1	105
Air - -	3	259	0	0
Dumfries - -	0	0	1	150
Dundee - -	1	93	1	93
Inverness - -	1	105	0	0
Leith - -	3	872	1	351
Port Glasgow - -	19	3414	23	3587
— Greenock - -	48	9624	41	7486
Stranraer - -	1	152	1	152
Wigtown - -	0	0	1	98
Totals - -	77	14629	70	12022

Custom House, Edinburgh,
14th April, 1788.

JAMES GARRETY,
Register of Shipping.

NORTH BRITAIN.

An Account of the Imports and Exports of Rum into and from that Part of Great Britain called Scotland, for the Year, ending at Christmas 1787, with the Duties and Excises, as well as the Drawbacks paid thereon.

	Rum Imported.		Duties of Excise paid thereon.			Rum exported from the Bonded Cellar.
	Gallons, at 4s. 8d.	Gallons, at 3s. 7d.				
The Year, ending Christmas			£.	s.	d.	Gallons.
1787	23413	137811	30154	3	5	180394

Note.—No Drawback paid by the Excise, on the Exportation of Rum.

John Edgar, Accomptant.

James Ramsay, Accomptant General.

Andrew Hamilton. Dep. Comptroller.

Excise Office, Edinburgh,
19th March, 1788.

George Brown.

T. Wharton.

James Stodart.

Robert Graham.

An Account of the Value of Woollens exported for every Year from 1781 inclusive to the End of the Year 1787.

		England.	Scotland.	Great Britain.
1781	-	803757 2 10	41507 10 4	2845164 13 2
1782	-	3 03415 14 11	40368 3 5	305283 18 4
1783	-	3391224 6 7	68818 13 3	3460052 19 10
1784	-	3316360 0 6	79557 10 0	3395917 10 6
1785	-	585613 0 10	66576 2 5	3891319 3 3
1786	-	1195 5 9 7	8341 12 3	3511817 1 10
1787	-	510770 1 8	77011 16 6	568795 12 2

THOMAS TRAVIS,

Inspector General
of the Imports and Exports
of Great Britain.

Inspector General General,
Customs House, March 16th, 1788.

An Account of the Value of Woollens, exported from Scotland, from 1781 inclusive to the End of the Year 1787.

£. s. d.
770 11 16

THOMAS CLICHORN,
Inspector of Imports and Exports.

A. 1788.

An Account of the Imports and Exports of Rum and Sugar into and from Great Britain, for the Year, ending Christmas 1787, with the Duties and Interest on the Drawbacks paid thereon.

D E B A T E S.

I M P O R T E D.			L X P O R T E D.		
R U M.			R U M		
Quantity.	Duty of Customs.		Quantity.	Duty of Customs.	Quantity.
Wt. in Lb.	£. s. d.	Cwt. lb.	£. s. d.	Gallons	£. s. d.
225,057	469 43 10	619267 41	3 01187814 12 2	864313	17599 4 2199308 016122957 19

THOMAS IRVING,

Inspector General of Imports and Exports of Great Britain.

17th March.

An Account of the Imports and Exports of Rum into and from Great Britain for the Year ending at Christmas 1787, with the Duties and Excise, as well as the Drawbacks paid thereon.

	From 5th January 1787, to 10th May 1787.		From 10th May, 1787, 5th January 1788.	
	Gallons.	Duty, at 4s. 8d. per Gallon.	Gallons.	Duty, at 3s. 7d per Gallon.
		£. s. d.		£. s. d.
Imports	21299 $\frac{1}{2}$	2969 17 8	209499 $\frac{1}{4}$	37535 $\frac{1}{2}$ 13 9 $\frac{1}{4}$
Exports	347773	81147 0 8	508684	91139 4 4

G. Cholmondeley,
D. Papillon,
W. Lowndes,
H. Burrell,
S. Brooksbank,
H. Reveley,
J. Olmuis.

Rum from the British West-India Islands may, if the importer pleases, be warehoused upon bond. Upon such rums no duty is charged on importation, nor drawback repaid on exportation. The sums, therefore, that stand in this account, are given on computation of the duties which would have been charged and repaid, was not the option of bonding allowed by law.

The accounts of this office being made up quarterly, from 5th July to 5th July, no exact account can be rendered from Christmas to Christmas, agreeable to the orders of the Honourable House.

Excise Office, London,
March 19, 1788.

W. HOLDSWORTH,
Accountant.

An Account of the Quantities of Sugar, Rum, Cotton, Coffee, Cocoa, Indigo, Ginger, Aloes, and other Goods, imported into the several Ports of Great Britain, from the British Sugar Colonies, from Christmas 1786, to Christmas 1787 inclusive, with Duties of Customs, payable on each Article.

Species of Goods.			Quantity.	Value.			Duty.					
				£.	s.	d.	£.	s.	d.			
Drugs.	{	Aloes Epatica	-	23653	344	18	9	591	7	6		
		Cassia Lignea	-	18	1	7	0	0	4	6		
		Radix Serpentaria	-	102	12	15	0	3	16	6		
		Sarcaparilla	-	2033	101	17	6	67	15	4		
		Other Drugs	-		7365	16	9					
Dye Stuffs and hard Wood.	{	Archelia	-	10	0	14	8	17	2			
		Braziletto	-	202	4	1	1378	13	3			
		Ebony	-	212	8	1	3504	18	3			
		Fustic	-	4210	13	2	37333	6	0			
		Indigo	-	39414			2634	1	7			
		Lignum vitæ	-	526	18	3	2497	9	0			
		Logwood	-	6888	8	1	81225	3	6			
		Mihogany	-	6567	3	0	57786	16	3			
Grocery.	{	Cocoa	-	3954	2	11	9884	13	7	247	3	2½
		Coffee	-	30365	2	7	212277	9	3	5313	18	7
		Ginger	-	9159	0	8½	11448	16	3	5037	9	0
		Pimento	-	606994			15211	9	0	7587	8	6
		Sugar, Brown	-	1926121	0	3	2634686	1	6	1187774	12	7
		Turmeric	-	15981	0	0	170	4	0	133	3	6
Hides, Ox or Cow	-	5185	2003	15	0							
Lemons and Oranges	-	2453	2	3	11							
Spirits, Rum	-	2251341½	203922	9	10	46902	19	0				
Tobacco	-	57723	550	10	1	3607	13	9				
Tortoiseshell	-	5748	1293	6	0	347	15	0				
Wool, Cotton	-	9396941	327600	8	9							
Total				3613147	7	2	1257618	17	4			

The preceding Articles are all the actual Produce of the British West-Indies, but those which follow in this Account, are either not the Produce of the West Indies, or are doubtful; the Inspector General has computed the Duties on the Articles the actual Produce of the British West Indies only.

Species of Goods.		Quantity.	Value.			Duty.		
			£.	s.	d.	£.	s.	d.
Books, bound	-	7 0 14	56	19	11			
—unbound	-	0 0 20	1	5	10			
Bottles, Glass	-	109 4	26	12	1			
Corn, Wheat, Flour	-	3½		8	9			
Drugs, Cortex Peruv.	-	9	1	2	6			
—Oil, Palm	-	164 3 18	164	18	2			
Dye Stuffs and hard Woods.	Aneotto	30		3				
	Canwood	1419 2 23	119	17	9			
	Nicotagua	1316 14 1 14	1316	3	5			
	Redwood	4 3 2 15	167	5	4			
	Saunders, Red	1 17 2 0	13	2	6			
—Shumuk	-	80 0 0	26	0	0			
Elephants' Teeth	-	63 2 12	381	12	5			
Feathers for Pens	-	0 1 7	1	0	0			
Grocery, Rice	-	3929 1 13	2928	7	3			
Hides, Indian in the Hair	-	9	2	14	0			
Iron Bar	-	2 0 0 0	19	10	0			
—Cast	-	191 7 3 2	478	15	7			
Linen, Sail Cloth	-	253	4	4	4			
—Sails, foreign made	-		16	3	0			
Oil, Train	-	0 2 43	8	14	4			
Pictures	-		11	10	0			
Potatoes	-	1 0 0		10	0			
Provisions, Bread and Biscuit	-	84 1 10	28	2	0			
Rags	-	39 2 0 25	197	6	7			
Seeds, Garden	-	110	4	7	6			
Skins.	Calf, Raw	23 8	28	6	8			
	Deer in the Hair	557	69	12	6			
	Goat, Raw	147 9	147	15	0			
	Otter Skins		22	2	4			
Turpentine	-	155 1 15	77	13	9			
Wax, Bees	-	52 2 15	250	0	0			
Whale Fins	-	18 2 7	148	10	0			
Wines.	French	0 0 12	1	1	5			
	Madeira	3 9 1 37	6544	11	2			
	Port	10 1 34	259	12	4			
	Spanish	2 2 14	56	4	5			
Wood.	Cedar	260 18 3 15	1762	10	8			
	Pine Boards and Planks	0 1 20	3	6	8			
	Staves, Barrel	1351 0 17	472	17	8			
	Staves Hhd. and Pipe	3475 3 5	3070	13	11			
Other Wood	-		3725	13	6			
Miscellaneous Articles	-		4635	12	11			
			391. 6	8	2			
Brought over			3613147	7	2			
Total			3652253	15	4			

Inspector General's Office,
Custom House, March 16th 1788.

THOMAS IRVING,
Inspector General of Exports and Imports
of Great Britain.

An

An Account of the Value and Amount of Goods (being British Produce and Manufacture) for Exportation to the British Sugar Colonies, from the several Ports in Great Britain, from Christmas 1786 to Christmas 1787, inclusive.

Species of Good.	Quanty.	Value.		
		£.	s.	d.
Allum — — —	1 2 2		1	11 10
Apothecary Ware — — —	2317 1 15	4738	11	0
Apparel garments — — —	14681	3670	8	0
Beer — — —	1973 1 7	11179	3	0
Books, printed — — —	106 2 8	434	5	8
Brass, wrought — — —	3040 0 18	13681	6	2
Bricks — — —	2304280	1141	2	1
Cabinet ware and upholstery — — —		3276	14	0
Candles, tallow — — —	142480 8	32058	2	5
Ditto, wax — — —	3222	319	0	0
Cards, new, wool — — —	144 0	68	8	0
plying — — —	49 0	55	2	5
Cattle, live cows and oxen — — —	7	37	10	0
Horses — — —	173	1597	10	0
Mules — — —	145	1450	0	0
Chariots and coaches — — —	24	545	0	0
Cloth, great — — —	119 15 0	29	18	9
Winton measure — — —	8153 52 0	9246	13	2
Colours for painters — — —		4017	15	0
Copper, wrought — — —	5763 2 0	30610	6	10
Cordage, new — — —	2504 3 5	2880	10	0
Drill, ell — — —	7766 1 14	8933	10	1
Corn. Barley — — —	3467	227	19	4
Ditto, hulled — — —	623 3 1	374	5	7
Beans — — —	10147 7 0	6728	6	1
Oats — — —	11379 6	6093	13	9
Oatmeal — — —	1268 7	1054	0	9
Pease — — —	1929 1	2303	19	0
Rye — — —	286 2	264	15	7
Wheat — — —	513 4	693	4	6
Ditto, flour — — —	9610 5	19020	14	7
Cottons and linen, checked — — —	5259	6303	19	0
Ditto, printed for bounty — — —	102030	5101	10	0
Ditto ditto, not bounty — — —	364331 10	32497	18	0
Ditto, 6d. to 18d. before printed — — —	463566	59875	0	0
Ditto, 6d. to 18d. before dyed — — —	52871	3212	0	0
Fustians — — —	20547	20547	0	0
Manchester — — —		31133	0	0
Stuffs, plain — — —	10289	1800	0	0
Z 2		Cyder		

<i>Species of Goods.</i>		<i>Quantity.</i>	<i>Value.</i>		
			£.	s.	d.
Cyder	-	83 0 36	663	2	9
Fish.	Cod, dry	719 3 7	589	3	0
	Herrings, red	5764½	7926	3	9
	white	43199	46721	16	0
	Salmon, salted	188½	754	0	0
	Other fish	-	-	-	-
Fishing tackle	-	-	15	0	0
Glass and earthen ware	-	2141865	5626	3	9
	Green	13159 1 7	5919	3	6
	White flint	334 2 17	426	11	2
	for windows	32 3 17	128	1	3
Gloves, plain leather	-	1618 0	485	8	0
Glue	-	1 2 0	2	17	0
Grindlestones	-	59½	887	12	6
Gunpowder	-	34005	1129	0	2
Haberdashery	-	4894 1 9	16163	17	11
Hats, beaver	-	3718 11 0	14875	13	4
	Carolina	500	195	0	0
	Felt	18434 4	25723	13	0
Hoops for barrels	-	1928610	2410	15	3
	several sorts	-	330	11	0
Iron, cast	-	1842 1 12	1153	10	6
	Nails	2431 2 26	4255	10	7
	Wrought	57151 2 20	152188	6	9
Lead and bird shot	-	38217 1 20	4082	8	5
Ditto, red	-	9 0 0	20	14	0
Ditto, white	-	12 0 0	27	12	0
Leather, tanned	-	802 0 22	3627	15	1
	Wrought	189971	21120	10	3
Lime	-	5106½	4385	9	7
Linen, above bounty	-	12750½	22320	2	6
Ditto, 2s. 6d. per yard	-	130290½	16286	6	3
Ditto, 5½d. ditto	-	72	1	13	0
Ditto, 6d. to 18d. ditto	-	4656581½	232829	2	0
Buckrams, 6d. to 18d. ditto	-	1742	87	2	0
Linen, checked, 7d. to 18d. ditto	-	163559½	86787	4	0
	Ditto, 6½d. ditto	28157	703	18	6
	Ditto, 2s. 3d. ditto	290	32	12	6
Diaper, 6d. to 18d. do. for bounty	-	24431	1221	11	0
Ditto, not for bounty	-	500	50	0	0
Sheeting, 6d. to 18d.	-	8513	425	13	0
Sailcloth, ditto	-	211606½	11231	12	1
Linen, plain, 6d. to 18d.	-	626535	31326	15	0
Diaper, ditto ditto	-	115	5	15	0
Sheeting, ditto	-	1107	159	17	0

Species of Goods.	Quantity.	Value.		
		£.	s.	d.
Oil, train	92 3 3	1789	7	5
Pantiles	142150	296	18	1
Pewter	1307 1 2	4586	18	10
Plate. Wrought Silver	8732 8	3081	5	0
	Cwt. Flitches.			
Provisions. Bacon and hams	213225 & 4480	4112	5	0
Beef and pork	297	816	15	0
Tripes	1191	2084	5	0
Bread and biscuit	9490 2 3	7039	18	8
Butter	392	382	4	0
Cheese	2635 1 12	3159	11	9
Potatoes	8015	596	1	6
Saddles, great	97	160	5	0
Salt, rock	2184	50	0	0
White	33967½	1149	0	1
Silk, in pieces	4597 6½	7925	16	10
Sewing	1520 6	2648	0	9
Gauze	153 2	265	9	4
Soap, hard	5930 2 1	16161	12	11
Spirits, British	3277	300	0	0
Starch	1147 1 27	1190	14	2
Stationary	-	2543	14	0
Stained paper	9157	228	5	6
Steel	101 0 0	143	18	6
Stockings, thread	2979 11	5742	19	0
Stones, slate	218300	71	14	2
Sugar, fully refined	4204 3 25	12538	7	3
Thread	1231	520	11	0
Tin	106 2 16	389	4	10
— plates	-	50	0	0
Tobacco pipes	5093	257	13	0
Toys	-	103	0	0
Vinegar	36 3 5	295	7	10
Watches, gold	17	255	0	0
— metal	15	30	0	0
— silver	60	225	0	0
Woollen Goods.				
Bays, double	6200	23250	0	0
— single	923	1822	18	6
Caps, plain, Monmouth	320	400	0	0
— worsted	2790	67	5	0
Cloths, long	728½	5645	17	6
— short	927	10660	10	0
— Spanish	172	860	0	0
Cottons, Kendal	494269	29161	17	2
— Welsh, plains	3592	197	11	2

Woollen

<i>Species of Goods.</i>		<i>Quantity.</i>	<i>Value.</i>		
			£.	s.	d.
Woollen Goods.	Flannel -	50760	2749	10	0
	Frize -	2800	291	13	4
	Northern dozens, single	64	480	0	0
	Perpets and Seiges	1150	186	17	6
	Stockings, men's worsted	550	945	11	0
	Stuffs -	151416	18927	0	0
	Do. with silk and mackle	1948 15	470	16	5
	Do. with silk and mackle } gauze -	35 3	4	16	9
	Do. with silk & grogram	6 0	—	16	6
	& worsted	1381 3	189	16	1
Woollens at value -		-	2829	1	10
Miscellaneous articles -		-	256103	0	10
Total -		-	£ 1463879 14 11		

Inspector General's Office,
March 18th, 1788.

THOMAS IRVING

Inspector General of Imports
and Exports of Great Britain.

A. 1788.

An Account of Oil, Whale Fins, and Seals Skins, distinguishing each, which were Imported from the Southern Whale Fishery to England and Scotland, distinguishing the Imports to each, in the Year 1785, 1786, and 1787, distinguishing each Year.

D E B A T E

	O I L.		W H A L E F I N S		S E A L S K I N S.	
	England.	Scotland.	England	Scotland.	England.	Scotland.
	Tuns H. G		Cwt qrs. lbs.		No.	
1785	626 3 41	Nil.	37 1 11	Nil.	1	Nil.
1786	1113 0 7	Nil.	357 2 0	Nil.	772	Nil.
1787	2181 3 25	Nil.	1389 2 10	Nil.	14280	Nil.

Inspector General's Office,
Custom House, London,
March, 1788.

THOMAS IRVING,
Inspector General of Imports and Exports
of Great Britain.

Abstract of the Number of Ships, with their Tonnage, which sailed from London to Greenland and Davis's Straits Fishery, in the Year 1785.

Number of Ships.	Tonnage.	Parts of a Ton.
78	24900	71

Samuel Brown, Inspector,
John Fallett, Surveyor.

•

An Account of the Amount of Bounties which were paid on the ships which sailed from Scotland to the Southern Whale Fishery in 1785, 1786, and 1787 distinguishing each Year.

— Nil. —

Custom House, Edinburgh,
March 31, 1788.

JAMES OGILVIE, D. R. C.

An Account of the Amount of Bounties which were paid on the Ships which sailed to the Southern Whale Fishery in the Years 1785, 1786, and 1787, distinguishing each Year.

	£.	s.	d.
Paid in the Year 1785,	1700	—	—
1786,	2400	—	—
1787,	5500	—	—
	<u>9600</u>	—	—

March 15, 1788.

J. DALLEY,
Dep. Sup. of the Rec. Gen. Paym.

A. 1788.

D E B A T E S.

177

An Account of the Average Amount of the Window Tax, for three Years preceding 1784.

The average amount of the three years preceding the year 1784, which ended the 5th of April, 1785, is

£.	s.	d.
4163	11	16
		9½

Office for Taxes,
22d May, 1788.

John Trenchard,
George Blount,
F. Fownes Luttrell.

An Account of the Amount of the Surcharge, subsequent to September 1784, on the Old Window Tax; and the present actual Receipt, by the last Returns.

Surcharges on Account of the year 1785, ending the 5th April, 1786	—	—	—	£.	s.	d.
Do. — 1786, ending the 5th April, 1787	—	—	—	8298	12	2½
The present actual receipt, by the last accounts that were made up, and which were for 1785	—	—	—	12788	11	3½
				380096	15	5

N. B. The surcharges from September, 1784, to the 5th of April, 1785, cannot be distinguished from those made in the preceding part of that year, they are therefore not stated.

The accounts of the year 1786 are not all received; for want of which, the whole of the surcharge cannot be stated.

Office for Taxes,
22d May, 1788.

John Trenchard,
George Blount,
F. Fownes Luttrell.

An Account of the actual Receipt of the Window Tax, under the Commutation Act, from September, 1784, to March, 1788, with the Arrears and Deficiency; distinguishing each Year.

		Receipt.	Arrears.	Deficiency.
1784.	Half year, from the 10th of October, 1784, to the 5th of April, 1785	—	—	—
1785.	Year ending 5th of April, 1786	5083 9 1 0	1000 0 0	5605 4 31
1786.	Year ending 5th of April, 1787	4550 35 10 10 1	25507 7 12	13187 18 54
1787.	Year ending 5th of April, 1788	10000 5 6	30150 13 6	—

N. B. The arrear on account of the years 1784 and 1785, is accounted with all possible precision: it is apprehended so much more will come in; but possibly some part, of the whole, may prove a deficiency.

The arrear on account of the years 1786 and 1787 will form part be deficient, but what proportion cannot be ascertained till the years' accounts are settled.

Office for Taxes,
22d May, 1788.

John Trenchard,
George Blount,
F. James Luttrell.

A. 1788.

PARLIAMENTARY

An Account of the several Sums which have been issued to Sir William Chambers in each Year, for the Buildings at Somerset Place; shewing to what Periods the Accounts of the Expenditure of the same have been examined and audited, and by whom.

		£.	s.	d.	£.	s.	d.
1776.							
Feb.	29. Out of the stamp duties	2000	0	0			
July	17. Out of the salt duties	2000	0	0			
Dec.	23. By Charles Cole, being part of the purchase of Hay House. - -	3000	0	0			
1777.					7000	0	0
March	22. Out of the stamp duties	3000	0	0			
May	16. Out of the salt duties -	1000	0	0			
July	18. Do. - - - -	4000	0	0			
Oct.	4. Out of the stamp duties	1000	0	0			
	11. Do. - - - -	1000	0	0			
	17. Do. - - - -	2000	0	0			
Nov.	19. Out of the salt duties -	4000	0	0			
Dec.	20. Out of the stamp duties	2000	0	0			
1778.					21000	0	0
Jan.	2. Do. - - - -	2000	0	0			
	31. Out of the salt duties -	4000	0	0			
Mar.	5. Out of the stamp duties	2000	0	0			
	12. Do. - - - -	2000	0	0			
April	10. Out of the salt duties -	4000	0	0			
May	26. Out of the stamp duties	4000	0	0			
July	10. Out of the salt duties -	2000	0	0			
	17. Do. - - - -	2000	0	0			
Sept.	10. Out of the stamp duties	4000	0	0			
Oct.	29. Out of the salt duties -	4000	0	0			
Dec.	17. Out of the stamp duties	4000	0	0			
1779.					34000	0	0
Jan.	20. Out of the salt duties -	4000	0	0			
March	11. Out of the stamp duties	4000	0	0			
May	5. Out of the salt duties -	4000	0	0			
June	23. Out of the stamp duties	4000	0	0			
July	28. Out of the salt duties -	4000	0	0			
Oct.	21. Out of the stamp duties	4000	0	0			
Nov.	24. Out of the salt duties -	4000	0	0			
1780.					28000	0	0
Jan.	11. Out of the stamp duties	4000	0	0			
Feb.	19. Out of the salt duties -	4000	0	0			
April	20. Out of the stamp duties	4000	0	0			
May	25. Out of the salt duties -	3265	3	8½			

P A R L I A M E N T A R Y

A. 1788.

		£.	s.	d.	£.	s.	d.
1780.							
July	13.	By Charles Cole, being farther part of the purchase of Ely House. -		1000	0	0	
Aug.	17.	Out of the Exchequer		4000	0	0	
Nov.	9.	Do. - - -		4000	0	0	
Dec.	22.	Do. - - -		5734	16	3½	
	23.	By Charles Cole, being farther part of the purchase of Ely House. -		970	0	0	
1781.							
July	28.	Out of the Exchequer -		5000	0	0	30970 0 0
Aug.	25.	Do. - - -		5000	0	0	
Sept.	4.	By Charles Cole, being farther part of the purchase of Ely House -		2 65	7	1¼	
1782.							
Feb.	19.	Out of the Exchequer		5000			12265 7 1¼
May	8.	Do. - - -		19599	11	9½	
July	6.	By Charles Cole, being further part of the purchase of Ely House. -		473	16	8½	
Sept.	6.	Out of the Exchequer		5000	0	0	
1783.							
Jan.	9.	Do. - - -		5000	0	0	30078 8 6¼
March	31.	Do. - - -		2000	0	0	
April	26.	Do. - - -		3000	0	0	
May	30.	Do. - - -		5000	0	0	
June	3.	By Charles Cole, being in full of the purchase of Ely House -		4212	12	9	
Aug.	28.	Out of the Exchequer		5000	0	0	
Oct.	11.	Do. - - -		5000	0	0	
Dec.	5.	Do. - - -		5000	0	0	
1784.							
March	5.	Out of the Exchequer		5000	0	0	34212 12 9
June	17.	Do. - - -		5000	0	0	
Aug.	26.	Do. - - -		5000	0	0	
Nov.	25.	Do. - - -		5000	0	0	
1785.							
Jan.	28.	Do. - - -		5000	0	0	20000 0 0
April	26.	Do. - - -		5000	0	0	
July	8.	Do. - - -		5000	0	0	
Oct.	27.	Do. - - -		5000	0	0	
1786.							
Jan.	4.	Do. - - -		5000	0	0	20000 0 0
March	2.	Do. - - -		5000	0	0	
May	2.	Do. - - -		5000	0	0	

July

A. 1788³

1786.				£.	s.	d.	£.
July	7.	Do.	- - -	5000	0	0	
Sept.	25.	Do.	- - -	5000	0	0	
Dec.	1.	Do.	- - -	5000	0	0	
1787.				<hr/>			30000 0 0
Feb.	5	Do.	- - -	5000	0	0	
March	22.	Do.	- - -	5000	0	0	
May	18.	Do.	- - -	5000	0	0	
July	28.	Do.	- - -	6607	12	5½	
Sept.	8.	Out of the stamp duties					
		for fixtures - - -		2000	0	0	
Nov.	3.	Out of the Exchequer		5000	0	0	
Dec.	19.	Do.	- - -	5000	0	0	
1788.				<hr/>			3367 12 5½
Feb.	19.	Out of the Exchequer		-	-	-	5000 0 0
				<hr/>			306134 0 9½

The accounts of Sir William Chambers were examined by the late Board of Works, to Midsummer 1779, and by Mr. Paine from that period to Christmas 1785; and the same were audited to Christmas 1785 by the late Auditors of the Imprests, and the Commissioners for auditing the public accounts.

Whitehall Treasury Chambers,
27th May, 1788.

T. STEELE.

An Account of the Quantity of Tea in the Warehouses of the East-India Company, previous to the Arrival of the first Ship (the Wycombe) of this Season; carefully distinguishing the Sorts.

				Neat lbs.
Singlo	-	-	-	1124 ²² 5
Hylon	-	-	-	487 ⁰⁸ 8
Souchong	-	-	-	950 ⁶⁹ 7
Bohea	-	-	-	702 ⁷⁷ 3
Congou	-	-	-	18299 ³²
				<hr/>
				113997 ⁰⁰

East-India House,
22d May, 1788.

Errors excepted.

W. RICHARDSON, Accountant.

An Account of the Quantity and Sorts of Tea imported last Year, 1787, on the twenty-seven Ships which arrived from China.

				Neat lbs.
Bohea	-	-	-	6493816
Congou	-	-	-	4166136
Souchong	-	-	-	1115900
Singlo	-	-	-	5355251
Hylon	-	-	-	1623572
				<hr/>
				18852675

East-India House,
22d May, 1788.

Errors excepted.

W. RICHARDSON, Accountant.

An Account of the Quantity and Sorts of Tea exported this Year, by the last Advices from China.

				Neat lbs.
Singlo	-	-	-	7481545
Hylon	-	-	-	2162892
Souchong	-	-	-	640490
Bohea	-	-	-	5321813
Congou	-	-	-	3972988
				<hr/>
				19579728

East-India House,
22d May, 1788.

Errors excepted.

W. RICHARDSON, Accountant.

An Account of the Quantities and Values of the Goods, on Account of the East-India Company, and of Private Persons, since September 1784, after the first of January; distinguishing each Year.

A

ON THE COMPANY'S ACCOUNT.

	Lbs.	Lbs.	Lbs.	Lbs.	Total
Sold, September 1784 to September 1785	—	—	—	127 12 15	15921798
Ditto, September 1785 to September 1786	—	—	—	103 1 00	14932154
Ditto, September 1786 to September 1787	—	—	—	134 5 84	163 8521
Ditto, September 1787 to 1st May, 1788	—	—	—	458 2 50	11494731
	—	—	—	—	58727204

ON PRIVATE TRADE ACCOUNT.

	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.
Sold, September 1784 to September 1785	—	—	—	252 39 1	291976
Ditto, September 1785 to September 1786	—	—	—	1 40 82	161799
Ditto, September 1786 to September 1787	—	—	—	2 78 27	313906
Ditto, September 1787 to 1st May, 1788	—	—	—	43 45 01	475826
	—	—	—	—	1243507

East-India House,
the 22d May, 1788.

Errors excepted.

W. RICHARDSON, Accountant.

A. 1788.

ast-

An Account of the average Quantity of Tea imported by the East-India Company, from 1773 to 1783, and the Amount annually paid for the same in China.

	lb.	Tales.
Bohea - - -	2,546,818	250,517
Congou - - -	599,912	82,741
Souchong - - -	88,411	19,955
Singlo - - -	1,578,377	270,884
Hylon - - -	249,929	104,619

Average quantity and cost per annum, 1773 to 1783 inclusive } 5,063,447 Tales 737,716 £.270,337

The exchange, during the above period, varied.

East-India House,
22d May, 1788.

Errors excepted.

W. RICHARDSON,
Accompant.

An Account of the Amount of the £.12 10 per Cent. Duty on Tea, from September 1784; to March 1788; distinguishing each Year.

Duty on Tea fold between the 1st September 1784 and the 1st September, 1785	-	-	£. 324,738
Ditto, - - - 1st September 1785 and the 1st September, 1786	-	-	285,460
Ditto, - - - 1st September 1786 and the 1st September, 1787	-	-	336,095
Ditto, - - - 1st September 1787 and the 1st March, 1788	-	-	157,666
			<u>£.1,103,959</u>

East-India House,
22d May, 1788.

Errors excepted,

W. RICHARDSON, Accomptant.

An

A. 1788.

D E B A T E S.

An Account of the Sales of the Goods from China, between the 1st Day of March 1787, and the 1st Day of March 1788, and the Amount of Customs, Freight, and Charges of Merchandize, paid or to be paid thereout; together with an Estimate of the expected Sales of China Goods, from the 1st Day of March 1788 to the 1st Day of March 1790; distinguishing each Year, and the Amount of Customs, Freight, and Charges of Merchandize, to be paid thereout in each Year.

Amount of China Goods sold between the 1st March 1787			
and the 1st March 1788	-	-	£. 2818728
Customs paid and to be paid thereout	£. 71429		
Freight — Ditto	-	442249	
Charges of Merchandize	-	169123	
		<u>682801</u>	
			<u>£. 2135927</u>

Estimate of the expected Sales between the 1st March			
1788 and the 1st March 1789	-	-	£. 2626540
Customs to be paid thereout	-	£. 50730	
Freight — Ditto	-	487462	
Charges of Merchandize	-	157592	
		<u>695784</u>	
			<u>£. 1930756</u>

Estimate of the expected Sales between the 1st March			
1789 and the 1st March 1790	-	-	£. 2604000
Customs to be paid thereout	-	£. 51520	
Freight — Ditto	-	453448	
Charges of Merchandize	-	156240	
		<u>661208</u>	
			<u>£. 1942792</u>

East India House,
the 15th May 1788.

Errors excepted.

W. RICHARDSON
Accomptant.

VOL. XXIV.

B b

An

An Account of the Cost, as per Invoice, in China, of the Cargoes laden on the East-India Company's Account, in the Season 1786-7.

Total Costs—Tales 4959281, a 7s. 7d. $\frac{5}{16}$ per Tale - £. 1894238

East India House,
the 22d May, 1788.

Errors excepted.

W. RICHARDSON,
Accomptant.

An Account of the Amount of the Bills drawn from China, since the Commencement of the Comutation Act, and of those expected this Season by the last Advices.

Bills and Certificates drawn from China,

in the Season	-	-	-	1784-5	£. 216269	16	0
Ditto	—	—	Ditto	1785-6	617176	3	0
Ditto	—	—	Ditto	1786-7	480431	6	10
Ditto	—	—	drawn and expected				
to be farther drawn	-	-	-	1787-8	550000	0	0
					<hr/>		
					£. 1863877	6	0

East India House,
the 22d of May, 1788.

Errors excepted.

W. RICHARDSON,
Accomptant.

An Account of the Number and Tonnage of Ships that are consigned by the East-India Company to China, for the Season 1788-9.

Ships 19.—Tons 16121, Builder's Measurement.

East India House,
the 22d May, 1788.

Errors excepted.

W. RICHARDSON,
Accomptant.

An Account of the Quantity and Cost of Tea imported by the East India Company, from the Continent of Europe, since the Comutation Act.

	Nt. lb. Wt.		
Total	— 17009877.	—	£. 2048797 18 2
East India House,			
the 22d May 1788.			

Errors excepted.

W. RICHARDSON,
Accomptant.

An Account of the Balance of Cash which remained in the Treasury of the East-India Company on the 1st Day of March 1787, and of their Receipts and Payments in England, from the 1st Day of March 1787 to the 1st Day of March 1788; together with an Estimate of the Receipts and Payments, from the 1st Day of March 1788 to the 1st Day of March 1790; distinguished each Year.

Cash in the Treasury on the 1st March 1787 (Morning) including Bonds that may be issued, and exclusive of the Duty on Tea -	£. 596287	Paid for Customs	£. 593702
Received for Company's Goods sold -	4840957	Freight and Demorage -	819848
Private Trade Do. -	450414	Goods and Stores exported -	635229
Charges and Profit on private Trade -	64013	Bills of Exchange from China -	600276
Customs on - Do. -	128318	Ditto from India -	758719
of Government, for Interest, &c. -	126000	Bullion exported -	682718
New Stock, Discount deducted -	9747	Purchase of Teas on the Continent -	126926
Alms-houses at Poplar -	1262	Charges of Merchandize -	414532
Bonds issued -	200	Proprietors of private Trade -	459486
		Alms-houses at Poplar -	4052
		Interest on Annuities -	84619
		Ditto — on Bonds -	87156
		Dividends on Stock -	336924
		Bonds paid off -	400
		Last Payment to Government -	100000
			£. 5704585
		Balance of Cash on the 1st March 1788 -	517638
			£. 6222218
	£. 6222218		

Estimate of Cash, from the 1st March 1788 to the 1st March 1789.

Cash in the Treasury on the 1st March 1788 (Morning) including Bonds that may be issued, and exclusive of the Duty on Tea - - -	£. 517633	Buyers of Tea returned - - -	£. 6120
To be received for Goods - - -	5350750	Warrants passed the Court - - -	30000
Ditto — of Government for Interest - - -	127687	Bonds drawn to be paid off - - -	10010
Ditto — Ditto — for Customs on Tea returned by the Buyers - - -	21621	Customs - - -	567600
Charges and profit on private Trade - - -	40000	Freight and Demorage Goods and Stores to be exported - - -	996000
For sale of 120755915l. Annuities, agreeably to the 26th George III. caput 62 - - -	845291	Bills of } Ind. 1794085l. } Exch. } Chin. 515391 } 2309476	763000
		Bullion - - -	650000
		Proprietors of private Trade - - -	355600
		Tea purchased in Europe - - -	50000
		Charges on Merchandize, including supra Cargoes Commission and Interest on Loans	350000
		Dividends on Stock, &c. Government, on Account of a Demand made for the Expenses of His Majesty's Troops serving in India, and on Account of victualing His Majesty's Fleet in India - - -	490000
			500000
Balance deficient - - -	£. 6902982 - 204824		
	<u>£. 7107806</u>		<u>£. 7107806</u>

Estimate

A. 1788.

D E B A T E S

Estimate of Cash, from the 1st of March 1789 to the 1st of March 1790.

To be received for		Balance deficient on the	
Goods sold before the		1st March 1789	£. 204824
1st March 1789	£. 700000	Customs	- - 700000
Ditto — Ditto — be-		Freight and Demorage	700000
tween the 1st March		Goods and Stores to be	
1789, and the 1st		exported	- - 770000
March 1790	- 4350000	Bills of } Ind. 1407000l. }	
Ditto — of Govern-		Exche } Chin. 544000 }	1951000
ment for Interest	- 127687	Bullion	- - 620000
Charges and profit on		Charges on Merchin-	
private trade	- 50000	dize, including supra	
		Cargoes Commission	380000
	£. 527687	Dividends on Stock, &c.	490000
Balance deficient	- 888137	Exchequer Bills	- 300000
	<u>£. 6115824</u>		<u>£. 6115824</u>

Memorandum,

The letter from the Board of Trade at Bengal, received the 29th instant by the Busbridge, states, that very considerable damage has happened to the mulberry trees and silk worms, also to houses, looms, &c. belonging to various manufacturers; in consequence of which the imports from Bengal may probably fall short of the supply of goods estimated to be sold in the years above mentioned.

In the above account a sum of £. 1270000, only, is stated for bullion to be exported to China; but as a farther sum of between three and four hundred thousand pounds would be required to enable the Company to liquidate the debt there, and to obtain the Teas which it may be necessary for them to purchase on the cheapest terms, the balance of the account would be increased by that amount against the Company.

East India House,
the 15th May, 1788.

Errors excepted.

W. RICHARDSON,
Accountant.

An Account of the Gross Revenue from Tea, and the Net Revenue after Drawbacks, paid for Five Years, previous to the Commutation Act.

PARLIAMENTARY

A. 1788.

Customs paid on the Company's Tea for the following Years, viz.		Duties on Private Trade Tea, on an Average, deducting the Drawback, by the best Estimate that can be formed, no Account having been kept by the Officers of the East India Company, of the Deliveries in each Year.	
March and Sept. 1779 on Nt. lb.	£.	5th July 1779 3th Do.	Nt. lb.
6603002	317683	1780	4268760
747028	352851	1781	433527
491341	203951	1782	458135
6125664	350320	1783	453011
5617883	297705	1784	404481
Totals lb.	30737446		21640712
Average lb.	6147489		4329254

Duties on Private Trade Tea, on an Average, deducting the Drawback, by the best Estimate that can be formed, no Account having been kept by the Officers of the East India Company, of the Deliveries in each Year.

East India House,
and May 1788.

E 1788 excepted.

WILLIAM RICHARDSON, Accountant.

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Nt. lb.
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Nt. lb.
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433527
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453011
404481

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317683
352851
203951
350320
297705

£.
78646
74142
89455
116400
105803

An Account of the Amount of the Silver sent from England to China, in the East India Company's Ships, on Account of the Company, or of private Persons, for the Purpose of lending the Company in China, for Bills, since the Commencement of the Commutation Act; distinguishing the Amount in each Season.

Seasons.	On Account of the Company.		On Account of private Persons.		Totals.	
	Ounces.	Amount £.	Ounces.	Amount. £.	Ounces.	Amount. £.
1784						
1785	2755520	704259	—	—	2755520	704259
1786	2692732	694960	28000	7223	2720736	702183
1787	2417184	625384	136745	35326	2543929	662710
	Ozs. 7865440	£. 2024603	Oz. 164745	£. 42549	Ozs. 8020185	£. 2067152

East India House,
the 22d May, 1788.

Errors excepted.

W. RICHARDSON,
Accountant.

D E B A T E S

A. 1788.

An Account of the Sales of Goods from the East Indies, between the first Day of March 1787, and the 1st Day of March 1788, and the Amount of Customs, Freight, and Charges of Merchandize, paid or to be paid thereout; together with an Estimate of the expected Sales of East India Goods, from the 1st Day of March 1788, to the 1st Day of March 1790, distinguishing each Year, and the Amount of Customs, Freight and Charges of Merchandize, to be paid thereout in each Year.

Amount of Goods sold between the 1st of March 1787 and the 1st March 1788	-	-	£. 2055886
Customs paid and to be paid thereout	£. 504768		
Freight	-	ditto	306653
Charges of merchandize, ditto	-		140705
			<hr/>
			934774
			<hr/> £. 123353

Estimate of expected Sales, between the 1st March 1788 and the 1st March 1789	-	-	£. 2345000
Customs to be paid thereout	-	£. 578715	
Freight	-	ditto	258006
Charges of merchandize, ditto	-		140705
			<hr/>
			977426
			<hr/> £. 1367664

Estimate of the expected Sales, between the 1st March 1789 and the 1st March 1790	-	-	£. 2450000
Customs to be paid thereout	-	£. 645015	
Freight	-	ditto	249575
Charges of merchandize, ditto	-		147000
			<hr/>
			1041590
			<hr/> £. 1408410

East India House,
the 15th of May 1788.

• Errors excepted.

W. RICHARDSON,
Accomptant.

A. 1788.

An Account of the Debts of the East-India Company in England, exclusive of Indian Debt, as they stood on the 1st March 1787, and on the 1st March 1788, and as they will stand on the 1st March 1789, according to such Estimate as can now be made thereof.

	1st March 1787	1st March 1788.	1st March 1789. per Estimate.
	£.	£.	£.
Tobonds standing out, bearing interest	1996400	1996600	1996600
Ditto - not bearing interest	10417	10417	0
Customs - - -	393769	427091	42700
Freight and demorage - -	311100	386700	200000
Bills of exchange from China	529167	466586	502000
Ditto - from India	3585997	2993655	1443000
Goods and stores exported	268191	387604	387600
Warrants passed the Court unpaid	26300	30000	
Supra cargoes commission on goods sold - - -	19873	23926	24000
Money borrowed of the Bank	300000	30000	300000
Interest thereon - -	6000	6000	6000
Sundry articles in department of shipping (exclusive of exports)	62202	15328	15300
What owing for teas returned by the buyers - - -	6142	6120	
Ditto, for teas purchased on the continent - - -	106200		
Proprietors of private trade	354200	355600	
Alinshouts at Poplar -	12780	15516	15500
Interest on annuities -	57068	58205	582000
Ditto on bonds -	56311	50639	50700
Dividends on stock -	79709	67266	67300
To the Public, per agreement	100000		
If all the payments shall be made, as estimated in an account now before the honourable House of Commons, a loan of about	—		20500
	825 826	7596893	5698200

N. B The debt due from Government to the Company is 4200000
The debt due from the Company to the Annuitants, when the additional annuities shall be raised, will be 4200000

East India House,
the 21st May, 1788.

Errors excepted.

WILLIAM RICHARDSON, Accountant.

Amount of the Bond and other Debts of the East-India Company in Great Britain, as the same stood upon the 1st Day of March, 1788.

To bonds standing out, bearing interest	£.1,994 0 0	
Add, bonds in the Treasury that may be issued	-	2,550
		<hr/>
To ditto, not bearing interest	-	10,017
To customs rated on goods imported, and unrated on goods sold, including custom on teas	-	44,700
Deduct what due on account of teas returned	-	21,618
		<hr/>
To freight and demorage	-	427,091
To bills of exchange, &c. presented, accepted, or advised,		380,700
from China	-	46,536
from India	-	25,905
from ditto, on account of the India debt, with interest thereon,		148,859
		<hr/>
To goods and stores exported	-	4,609,100
To warrants paid the Court unpaid	-	387,674
To supra cargoes commission on goods sold	-	30,000
To money borrowed of the Bank of England, for which the Exchequer bills are deposited	-	23,926
To interest thereon six months, due the 12th March, 1788, at 4 per cent. per annum	-	300,000
To sundry articles in the department of the Committee of Shipping (exclusive of exports)	-	6,000
To what owing for teas returned by the buyers, and re-fold	-	15,308
To proprietors of private trade	-	6,000
To almshouses at Poplar	-	355,600
To interest on annuities	-	15,516
To ditto on bonds	-	58,005
To dividends on stock	-	50,079
		<hr/>
		67,066

N. B. The sum due by Government to the Company is	£.4,200,000	£.8,745,752
And the sum due by the Company to their annuitants	2,992,440	
To which amount the Company is authorized to extend their annuity debt, pursuant to an act of the 26th George the Third	-	<hr/>
		£.1,207,560

East-India House, May 15, 1788.

Errors excepted, W. RICHARDSON, Accompt.

A. 1788.

D E B A T E

An Account of the Annual Amount of Tea, brought by the Foreign Companies of Europe from China
from 1773 to 1783.

	1773.	1774.	1775.	1776.	1777.	1778.	1779.	1780.	1781.	1782.	1783.
	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.
Swede	274680	11637	10881	25425	27427	265100	32560	25261	4199	226730	426560
Danes	91960	2463	233	251370	25873	43	13200	33	23414	341156	5177200
Dutch	448647	61409	23700	49220	5530	2530	42311	46570	49270		
French	30217	1764	1395700	251100	5790	6535	21200	12590			
Imperial	0	0	0	0	0	0	0	0	31700	0	933300
Huagalian	0	0	0	0	0	0	0	0	0	0	3954100
Tufca	0	0	0	0	0	0	0	0	0	0	
Portug	0	0	0	0	0	0	0	0	0	0	
Amer	0	0	0	0	0	0	0	0	0	0	
	136328	121133	151065280	121229	151065280	121229	151065280	121229	151065280	121229	151065280

The Qualities of the Tea, and the Cost thereof, is not known.

East India House,
the 22d of May 1788.

W. RICHARDSON,
Accountant.

DEBTOR.

TO BALANCE,
 Remaining in the following Offices and Departments .

	Bombay Rupees.	Current Rupees
GENERAL DEPARTMENT	566138 0 16	
REVENUE DEPARTMENT	1586 0 75	
	567724 0 91	658560 1 8

TO RESOURCES.

REVENUE DEPARTMENT.

Land revenues, quit and ground rents, tax, &c.	—	—
Customs	—	—
Duty on salt	—	—
	545498 3 57	
	625601 3 19	
	5500 0 0	
	1176600 2 76	1364856 12 10

TO EXTRAORDINARY RECEIPTS. GENERAL DEPARTMENT.

CIVIL.

From the sale of imports, including balances of former sales	752000 0 0
Bullion expected for the purchase of three cargoes for the	
China market	137133 1 33
	885133 1 33

MILITARY.

From the sale of military stores	—	—
MARINE.	—	—
From the sale of marine stores	—	45042 1 66
For the hire of boats, docks, &c.	—	24750 0 0
	—	63792 1 66

TO EXCESS OF EXPECTED DISBURSEMENTS

	958074 0 57	1111366 0 1
	3650644 0 62	4234747 3 6
	6353043 0 86	7369530 2 1

A. 1788.

Fort William, Accountant-General's Office,
 the 15th September, 1787.

Abstract of the Estimate of the Probable Resources and Disbursements of the Bombay Government, between the 30th April, 1787, and 1st May, 1788.

BY DISBURSEMENTS.

CREDITORS.

CHARGES IN ARREARS.

GENERAL DEPARTMENT.

CIVIL.

Salary to the Governor and Council	—	518 3	1	2
Ditto to the civil servants and chaplains	—	4 45	2	21
Due to the Residents at Bellapore and Tinapore	—	13131	2	50
Due to the Resident at Goa	—	21103	2	50
Due to the settlement of Diego Garcia	—	8337	4	7
Due to Hyat Sahed	—	15777	0	54

MILITARY.

Due to the Land Paymaster	—	24053	0	8
Due to the Military Paymaster	—	13322	1	8
Drafts accepted on account of the Expedition	—	2560	3	2
Due to the Military Storekeeper	—	10000	0	0
Do. — Garrison Storekeeper	—	74	1	0
Do. — Hospital Surgeons	—	677	3	1
Do. — Field Officers	—	1653	2	5

MARINE.

Due from the office of the Marine Paymaster	—	16	03	5	36
Do. — of the Naval Storekeeper	—	14045	1	95	
					<u>1,80135 0 30</u>

CHARGES OF 1787-8.

GENERAL DEPARTMENT.

CIVIL.

Salary to the Governor and Council	162000	0	0
Salary, diet, &c. allowance to the covenantant servants	112061	1	56
Charges, general	62539	2	73
Do. — repairs	4237	3	17
Do. — police	6500	0	0
Do. — durbar	26210	0	0
Do. — of the Mayor's Court	18772	0	0
Sundry charges	22734	1	97
Disbursements of the Resident at Poona	90225	2	82
Do. — Surat factory	87000	0	0
Do. — Tanjah	22950	2	82
Do. — Ajango	12157	1	87
Do. — Balforah	28472	1	82
Do. — Belline	11353	3	50

MILITARY.

Garrison charges	1562718	1	0
Supernumeraries, invalids, &c., at Surat	34820	0	0
Hospital charges, including surgeons	22105	0	10
Penicifiers	32210	0	0
Peons	20400	0	0
Gift to field officers	21400	0	0
Charges repairs	57315	3	37
Charges extraordinary	45491	2	34
Military Storekeeper	167500	0	0
Garrison Storekeeper	39000	0	0

MARINE.

Disbursements of the Marine Paymaster and Naval Storekeeper	183225	0	0
	3391972	4	23

A. 1788.

D E B A T E S.

REVENUE DEPARTMENT.				Bombay Rupees.		Current Rupees.	
Charges of the Collectors of Land Revenues	—	45311	1 63				
Do. of the Collectors of Customs	—	54137	2 39				
Warehouse charges of ditto	—	11500	0 0				
		3572921	1 25	4883056	1 55	5664345	6 7
EXTRAORDINARY DISBURSEMENTS IN ARREARS.							
GENERAL DEPARTMENT.							
CIVIL.							
Due to the King of Tippecanoe	—	377918	1 99				
Do. to the estate of William Shaw	—	84763	1 47	460912	1 46		
DISBURSEMENTS OF 1787-8.							
GENERAL DEPARTMENT.							
CIVIL.							
For building a new Town Hall	—	43548	0 0				
Two ships cargoes to be provided for Europe	—	500000	0 0				
45 bags of cotton ditto for China	—	240750	0 0				
MILITARY.							
For buildings ordered to be erected	—	91406	0 85				
For repairs to military buildings	—	13280	1 0				
MARINE.							
Building new mows for Bengal	—	120000	0 0	1009074	1 80	1469986	2 31
						6353043	0 80
						7369530	2 1
Errors excepted. N. W. J. PARKINS, Accountant General.							

Errors excepted. (Signed) Wm LARKINS, Accountant General.

A true Copy. Wm WRIGHT, Auditor of Indian Accounts.

East India House

An Account of the annual Revenues of the East-India Company, in the Provinces of Bengal, Bahar, and Orissa, and from Benares and Owde; under the Heads of Mint or Coinage Duties, Post Office Collections, Benares Revenue, Owde Subsidy, Land Revenues, Customs, and the Receipts from the Sales of Salt and Opium, for three Years, according to the latest Advices; together with the latest Estimate of the same.

	1782-3.	1783-4.	1784-5.	Estimate. 1787-8.
Mint Duties -	39214	11861	32507	13730
Post-Office Collections	127258	147600	149126	104400
Benares Revenue	3775081	4357888	4464535	(a) 4551000
Army Subsidy, being the Receipts from the Nabob Vizier, for the Expences of the Company's troops employed in his Dominions - -	5367483	5822715	5727600	5259648
Land Revenues, Collection thereof, including former years Balances - -	29397240	30058092	30363936	29481833
Customs - -	1989634	1985595	1632346	1691280
Sale of Salt, Amount received - -	7980414	£.ft ^d 876308	9048441	7458424
Do. of Opium — Do	1718085	£.ft ^d 1858000	1733479	2088591
Total Rev. C. Rs.	50894409	52518059	53151970	50648906
Deduct Charges	41741855	43048595	43125191	30662401
Neat Rev. C. Rs.	9152554	9469464	10026779	19986505
At 2s. 3d. per Current Rupee £.ft.	1029662	1065314	1128012	2248682

(a) In the Estimate for 1787-8, Credit is taken for the annual Tribute agreed for being C. Rs. 4440000; and for Balances of former Years C. Rs. 111000, making the Total inserted above. But some Remissions have been annually claimed and allowed from the Tribute agreed for in 1781, which in September 1786, to the Amount of C. Rs. 216723, were allowed to stand as a permanent Deduction from the Revenue.—The Estimate is therefore over-rated in this Amount.

N.B. As the Government Customs have been ordered to be abolished, this Article of Revenue will cease in future Years. The Neat Amount is estimated for 1787-8 at C. Rs. 1459260.

East-India House,
16th May, 1788.

Errors excepted.

Wm. WRIGHT.
Auditor of Indian Accounts.

An

- * An Account of the annual Charges defrayed by the East-India Company in the Provinces of Bengal, Bahar, and Orissa, and in Benares and Owde; distinguishing the same under the respective Heads of Civil, Military, and Marine, the Charges of Buildings and Fortifications, of collecting the Revenues and Customs, and the Advances and Charges on Account of Salt and Opium, for three Years, according to the latest Advices; together with the latest Estimate of the same.

	1782-3.	1783-4.	1784-5.	Estimate. 1787-8.
Civil.				
Mint Charges - - -	28538	37138	36856	41600
Post Offices Do. - - -	161507	155767	164069	170510
Charges on the Residency of Benares - - -	165085	161690	227997	250944
Do. of the Resident's, &c Offices at Lucknow -	78618	114742	76045	143981
Do. of the Supreme Court of Judicature, and Law Char- ges - - -	470603	1105018	742752	609857
Other Charges in the Civil Establishment - - -	2286152	3659024	4264344	2462079
Total Civil Charges C. Rs	3220503	5237409	5512063	3678981
Military.				
Charges on the Company's Account, including Con- tracts, Contingencies, and King's Troops - - -	16393563	15043244	14028694	8995064
Do. on the Vizier's Account	5367483	5822715	5727600	5259648
Total Military Charges C. Rs	21761066	20865959	19756294	(b) 14254712
Marine - - -	747094	868175	913053	536900
Buildings and Fortifications -	990044	656561	890026	269760
Revenue Charges, including Stipends, Jaghires and Commission	10262803	11165900	11512517	(c) 7343325
Customs, Charges of Collection	616309	598696	602594	232000
Salt Advances and Charges -	2858996	2435895	2790966	3310793
Opium, Do. and Do. -	1283040	1220000	1147676	1035930
Total Charges C. Rs	41741855	43048594	43125191	30662401

(b) The total Military Charges by the abstract Estimate of 1787-8, now before the House, are stated at C. Rs 14652344; this includes the Expenses of Buildings and Works, here separated, in the Commission on the Revenues to Field Officers, added above to the Revenue Charges, to make them conform to the other Years.

(c) The Charges of the Revenue Department appear, by the Estimate of 1787-8, to be reduced 17 Lacs of C. Rs below the Sum limited for this Head of Expence by the Court's Orders of April 1785.—The Jaghire to Lord Clive dated from May 1784.

The Commercial Charges are not included above, being stated in the separate Account, No 8 (a), to the amount of C. Rs 1042000.

N. B. It must be observed, that the Military Charges will be increased by the Addition made to the Cavalry in the September last, and by the King's Regiment to be stationed in Bengal.

PARLIAMENTARY

A. 1788.

An Account of the Annual Revenues of the East India Company, at the Presidency of Bombay, and the Settlements subordinate thereto, under the Heads of Land Revenues, Customs, and Farms or Licences for Three Years, according to the latest Advices; together with the latest Estimate of the same.

	1782-3	1783-4	1784-5	per estimate 1787-8
Land Revenues — Rupees	29,12,632	5,57,999	4,30,777	5,14,250
Customs — —	6,97,240	7,96,247	6,39,372	6,31,701
Farms and Licences —	1,69,176	1,26,096	1,63,157	not specified
Total Revenues, Rupees	37,79,048	14,80,342	12,33,306	11,76,601

East-India House,
16th May 1788.

An Account of the Annual Charges defrayed by the East-India Company, at the Presidency of Bombay, and the Settlements subordinate thereto, distinguishing the same under the respective Heads of Civil, Marine, Military, Buildings and Fortifications, and the Charges of collecting the Revenues and Customs for Three Years, according to the latest Advices; together with the latest Estimate of the same.

	1782-3	1783-4	1784-5	per estimate 1787-8
Civil Charges —	10,39,008	7,16,696	6,24,583	7,32,088
Marine Charges —	9,69,872	6,23,779	6,04,142	4,76,005
Military Charges, including King's Troops —	58,81,280	67,30,744	31,54,752	21,19,147
Buildings and Fortifications	1,92,008	1,95,340	1,70,399	2,13,056
Charges collecting the Revenues and Customs —	2,78,360	1,78,251	91,894	1,10,949
Rupees —	73,60,528	84,44,810	46,45,775	36,51,245
Deduct, Revenues —	37,79,048	14,80,342	12,33,306	11,76,601
Net Charges, Rupees —	35,81,480	69,63,468	34,12,469	24,74,644
At 2s. 6d. per Rupee, £. Sterling.	447,685	870,433	426,558	309,330

(a) It must be observed that the military charges will be increased in future years, by the two King's regiments to be stationed at Bombay.

Errors excepted.

WM. WRIGHT, Aud. Ind. Accts.

An

A. 1788.

D E B A

An Account of the Number and Tonnage of the Ships laden in
for the East-India Company, in the Season 1786-7.

	Purcells Measurement	Crated Tonnage	Tonnage laden in China	Kintledge laden in England	Total Tonnage on Board.
Duke of Montrose	761	755	685	92	778
Northumberland	784	755	741	92	833
Southampton	758	758	716	92	808
Earl Cornwallis	774	755	694	92	786
Contractor	777	758	761	92	853
Commont	737	723	678	88	766
Royal Charlotte	855	758	850	92	942
Neptune	809	758	772	92	864
Ranger	537	537	467	66	533
Pitt	779	755	669	92	761
Bridgewater	799	755	732	92	824
Pigot	765	758	795	92	887
Chipman	538	538	571	66	642
Ad. Sir Ed. Hughes	810	—	670	—	670
Lord North	777	758	741	92	833
Carnatic	779	758	709	92	801
Valentine	790	755	663	92	755
Vanfittart	828	758	687	92	779
Sullivan	876	755	769	92	861
Fort William	798	755	753	92	845
Ponborne	804	758	776	92	868
General Goddard	799	755	730	92	822
Europa	772	755	742	92	834
Middlesex	852	755	725	92	827
Earl of Mansfield	782	758	743	92	835
York	867	758	874	92	966
Royal Bishop	708	720	724	86	810
Mars	696	696	659	85	744
London	836	758	881	92	973
29 Ships.	22,448	20,615	20,993	2,507	23,500

N. B. The Cargo of the Admiral Sir Edward Hughes arrived
in May 1788, in the General Elliot.

The Cargo of the Mars was lost, after her Arrival
in England.

East-India House,
20th May, 1788.

J. HOLLAND.

A1

An Account of the Amount received at the several Presidencies of Fort William, Fort St. George, and Bombay, for Sales of Import Goods and Stores, and for Certificates on the Court of Directors, within the last Three Years, according to the last Advices, together with the latest Estimate of the same.

				1782-3	1783-4.	1784-5.	Per Estimate. 1787-8.
SALES OF IMPORT GOODS.							
				Cur. Rps.	Cur. Rps.	Cur. Rps.	Cur. Rps.
Bengal	-	-		11,04,637	10,78,494	10,97,693	7,11,000
Madras	-	-		8,25,078	11,11,821	8,98,675	8,07,500
Bombay	-	-		2,14,530	26,18,924	5,96,060	7,56,320
				2,144,445	48,09,239	31,92,428	22,74,820
Average of 3 Years				Cur. Rps. 33,81,970			
CERTIFICATES.							
				1784-5.	1785-6.	1786-7.	Per Estimate. 1787-8.
Bengal	-	-		4,09,932	3,48,335	5,72,892	5,00,000
Madras	-	-		—	31,900		1,49,000
Bombay	-	-		3,48,825	64,443	43,821	none stated.
				7,58,757	4,44,678	6,16,713	6,49,000
Average of 3 Years				Cur. Rps. 6,06,716			

The Sales of Import Stores cannot be ascertained.

N. B. Pagodas converted into Current Rupees, at 425 per 100.

Bombay Rupees at 116 Current Rupees per 100.

East-India House, 16th May, 1788.

Errors excepted,

WM. WRIGHT, Aud. Ind. Accts.
Amount

A. 1788.

D E B A T E S.

Amount of the Bond and other Debts of the East-India Company, at their respective Presidencies and Settlements abroad, according to the latest Advices; the Rates of Interest which such Debts respectively carry; and the annual Amount of such Interest.

<i>BENGAL, 31st Oct. 1787, per Quick Stock, returned per Busbridge.</i>		Principal	Interest due to this Period
Bond debts, viz.—Amount on which interest has	C. R.	C. R.	
accrued ————	45118	966	
Amount at 6 per cent. ————	1690572	1021327	
	1695084	1025193	
Total ————	—	109,000,1	
Debt bonds deposited by the late Governor General, which are to be carried to the Company's account and cancelled, Principal ————	77500		
Interest ————	1100		
		90500	
		19635531	
Cut notes issued to this date, bearing an interest of 8 per cent. per annum, in which are included 18½ Lacks issued by the Board of India	16,246		
Computed interest thereon, being the amount outstanding, and issued since 10 August 1786, which is not entered on the quick stock ————	960240		
		17284700	
Orders on the Treasury not demanded ————	—	120963	
Deposits ————	—	373139	
Due on account the promised donation to the army by Sir John Dowlah, and on bond to Mr. Frizer, which have been received from the Vizier ————	—	1058634	
Bills granted on Benares, not discharged ————	—	240870	
Affairs, civil ————	255968		
Military, including C. Rs. 308641, on account of off reckonings, and the arrears to the King's troops in Bengal ————	1599150		
Munee ————	6479		
Revenue, of which C. Rs. 268000 issuable in certificates ————	455433		
Commercial ————	93451		
		2410487	
Total debts Bengal, C. Rs. carried over ————	—	—	4137432

MADRAS

MADRAS, 31 July, 1787, per Quick Stock; per Ravensworth.

	Brought over	Pagoda	Principal.	Interest	C Rs.
Bonded debt, at 8 per cent.	—	—	2083451	11500	41374324
Deposites 8 per cent.	—	—	12700	36	
Ditto — 6 per cent.	—	—	33895	88	
			2129346	116243	
Total bonded debts, with interest	—	—	—	224589	
Due on account deposits of Dutch captains	—	—	—	145	
of Accountant General	—	—	—	46	
of Mayor's Court, &c. &c.	—	—	—	—	
Arrears, Civil	—	—	9031	—	
Military	—	—	1403	—	
Marine	—	—	600-9	—	
				30240	
Due for ground taken and to be taken at Hertford St. Home, &c. by the Quick Stock, Pursuant to the letter in the military department of the Secretary to the Madras, there is stated to be due on this account, about	—	—	—	21200	
Due to the private creditors of the Nabob of Arcot, for their share of payments made by him	—	—	—	8615	
Total Madras Pagodas	—	—	—	21200	
Pagodas estimated, in the last account received from Per	—	—	—	—	
at 425 C Rs. per 100 pagodas	—	—	—	—	1273135

BOMBAY, 30 April, 1787, per Quick Stock; per Ravensworth.

	Rupees			
Bond debt, with interest	—	—	1620598	
Due on account deposits	—	—	11019	
Due to the King of Travencoe	—	—	355919	
Arrears, Civil	—	421971	—	
Military	—	788183	—	
Marine	—	276449	—	
			1437003	
Total Bombay rupees	—	—	1570870	
Batta 16 per cent	—	—	2927793	
			11226500	

BENCOOLEN, 1st January, 1787, per Quick Stock; per Kent.

	Dollars			
Paper currency outstanding	—	—	256460	
Bonds ditto	—	—	6271	
Deposites	—	—	6439	
Due the Residents at the out factories	—	—	270	
Total Bencoolun dollars	—	—	353420	
at 2½ C Rs. per dollar	—	—	—	883507
Total debts in India	—	—	—	6221563

The amount of the Bond Debts that has been subscribed on the terms of the Court's letter of 15th September, 1785, being about 150 lacks of current rupees, is not included above

Annual Interest on the Bond Debts.

B E N G A L.

In bond debt, principal - C. Rs. 18873338 at 8 per cent.	Cur. Rs.	1509867
certificates — — 16324460		
Ditto, issuable for revenue arrears — — 268000	ditto	—
		1327396
		<hr/> 2837263

M A D R A S.

On bond debt, principal — Pag. 2083431 at 8 per cent.	Pagodas	166674
On depolites bearing interest 33895 at 6		2034
On — — — 12000 at 8		960
		<hr/> 169668
at 425 C. Rs. per 100 Pagodas —	C. Rs.	721089

B O M B A Y.

On bond debt — Rupees 16203900 at $9\frac{1}{8}$ per C. R.	1478616
at C. Rs. 116 per cent. —	C. Rs. 1715194

B E N C O O L E N.

On bond debt, and paper currency } — dollars 319177 at 10 per cent. —	Dollars.	31918
at $2\frac{1}{2}$ C. Rs. per dollar	C. Rs.	79795
Total annual interest — —	C. Rs.	<hr/> 535334

East-India House,
16th May, 1788.

Errors excepted,

WM. WRIGHT,
Auditor of Indian Accounts.
Comparison

Comparison of the estimated and actual Amount of the Revenues of the East-India Company, in the Provinces of Bengal, Bahar, and Orissa, and from Benares and Owde, under the Heads of Mint or Coinage Duties, Post Office Collections, Benares Revenue, Owde Subsidy, Land Revenues, Customs, and the Receipts from the Sales of Salt and Opium, for the Year 1786-7; and of the Charges defrayed by the said Company in the said Provinces, and in Benares and Owde, distinguishing the same under the respective Heads of Civil Military, and Marine, the Charges of Buildings and Fortifications, of collecting the Revenues and Customs, and the Advances and Charges on Account of Salt and Opium for the said Year, as far as the time can be made up.

REVENUES.	Estimated Amount received 1786-7	Actual Amount received 1786-7	Surplus in the actual receipts	Deficiency in the actual receipts
Mint duties	15753	15219	—	434
Post-office collections	1000	19191	9191	—
Benares revenue	450658	431650	31720	—
Owde subsidy	457793	3410653	—	116317
Land revenues, net amount expected to be realized as the actual gross collections and charges are not stated	12651324	2338455	1232279	—
Customs, net amount, for the same reason	111160	21555	112459	—
Sales of salt, ditto, ditto	451	55116	52410	—
Do. of opium, ditto, ditto	652	123210	53110	—
Total	3851854	3991971	550317	116317
Net surplus of receipts	—	—	—	1417552
				58506
Deduct charges	19256103	19559933	26437	476107
Excess of actual charges	—	—	—	53530
				4647
Net revenues	51916555	20029777	1625192	70117
Excess of the actual net surplus	50422	—	—	042
	20029777			1625199

* This is the whole amount received from the Vizier in the course of the year, deducting only the payments made for his brothers, and the Rohilla stipends, but it must be observed, that as arrears were due to the troops serving in his dominions on the 1st May, 1786, to the amount of about seven lacs, which were probably discharged out of the first payments made by the Vizier in 1786-7, that amount must be considered as not belonging to the receipts for current subsidy for 1786-7, but for the balance of the former year.

† By deducting the charges from the revenues as entered in the account presented to the House last year, the difference is C Rs. 2,25,17924, but there was omitted to be added to the Revenues the sum of C Rs. 1,37,400 for fees formerly received by the collectors, &c. now brought to the Company's account.

‡ By a similar omission on the same account in this department, in the account presented last year, the net customs were short stated C Rs. 69,600.

§ The net estimated surplus of revenues differs from that stated in the account presented last year for the reasons above mentioned, and because the buildings and fortifications are omitted. See note ||.

A. 1788.

D E B A T E S

C H A R G E S.	Estimated Amount 1779-80.	Actual Amount 1786-7.	Surplus in the actual charges.	Deficiency in the actual charges.
C I V I L.				
Minut Charges — — —	43897	45358	1512	
Post-office ditto — — —	164163	165209	1134	
Charges of the Residency of Benares — — —	164163	129395	—	34760
Do. of the Residents, &c. offices at Lucknow — — —	69 34	376158	376074	
Do. of the Supreme Court of Judicature, and Law charges — — —	673700	5326158	385128	
Other charges in the civil establishment — — —	276 12			
Total civil charges — C. R.	38233	4741408	604846	34760
M I L I T A R Y.				
Charges on the Company's Account — — —	108 5463			
Ditto — Vizier's ditto — — —	4577973			
Total military charges — — —	157834 6	1501159	—	377839
Marine charges — — —	10033	835928	265591	
Revenue ditto — — —		These heads of charges are not inserted here, the heads of Revenues being stated at their own amount, for the reasons given on the other side.		
Customs ditto — — —				
Salt advances and charges — — —				
Opium ditto ditto — — —				
Excess of actual charges — — —		19336103	19389933	56 437
				40060
				55380
				9503

¶ The head of Buildings and Fortifications is not separately inserted either in the estimate or actual account of charges. It was stated on estimate, in the account presented last year, at 1 lacs, being the average expense of 3 years. The actual expense was only 4 lacs; but as the Accountant General of Bengal has included in the "Account, stating the difference between the estimated and actual disbursements," several articles under the head of "Unexpended disbursements;" and it is probable would not have omitted to so large an amount for this article, it is not certain whether the charge of buildings and fortifications is not included under the head of Military Charges actually incurred.

Errors excepted.

East India House,
16th May, 1787.

WM. WRIGHT,
Auditor of Indian Accounts.

An Account of the annual Revenues of the East India Company, at the Presidency of Fort St. George, and the Settlements subordinate thereto, and in the Carnatic and Northern Circars, under the Heads of Mint or Coinage Duties, Sea or Land Customs, Subsidy from the Nabob of Arcot and Rajah of Tanjore, Land Revenues, and Farms and Licences, for three Years, according to the latest Accounts; together with the latest Estimate of the same.

	1783-4.	1784-5.	1785 6.	per Estimate 1787-8.
Coinage duties - - - -	6046	5171	4790	3600
Sea Customs - - - -	4282	5690	4900	77864
Land Customs - - - -	8672	12452	21216	21000
Subsidy from the Nabob of Arcot - - - - -	698529	608923	549000	(a) 730000
Subsidy from the Rajah of Tanjore - - - - -	400000	400000	400000	400000
Land Revenues - - - -	1502348	1353980	1327085	(b) 2040577
Farms and Licences - -	75392	85919	69199	not specified
Total Revenues, Pagodas	2791269	2516835	2420310	3273741
		Deduct Charges		3177785
		Pagodas		95256
		Pounds Sterling		38102

(a) The annual subsidy from the Nabob by the late treaty was settled at 9 lacs of pagodas, of which he is to pay pagodas 680000, and the remainder (220000) is to be received from the Rajah of Tanjore; of the latter, the stated kists agreed on will yield, between 1st May 1787 and 30th April 1788, according to the Madras estimate for that period, only pagodas 50000, making, with the sum to be received from the Nabob, pagodas 730000, the total here inserted; but in future years the whole subsidy will be brought to account.

(b) The average collections of the circars, from 1783 to 1786, were under 12 lacs of pagodas per annum—the receipts for 1786-7 were about 13 lacs—they are estimated for 1787-8 at above 15 lacs, including part of the outstanding balances.

The outstanding balances of the Circars, on the 30th April 1786, were pagodas 960334, after writing off what sums appeared irrecoverable. On the 31st of July 1787 they had been reduced pagodas 102000.

A. 1788.

D E B A T E S.

An Account of the annual Charges defrayed by the East-India Company at the Presidency of Fort St. George, and the Settlements subordinate thereto, and in the Carnatic and Northern Circars, distinguishing the same under the respective Heads of Civil, Military, Buildings and Fortifications, and the Charges of collecting the Revenues and Customs for three Years, according to the latest Advances; together with the latest Estimate of the same.

	1783-4.	1784-5.	1785-6.	per Estimate 1787-8.
Civil charges,				
Military charges on account of the Company, including King's troops	263223	237280	226364	239970
Do. - - - of the Nab b	311311	1664835	1742019	(a) 2651070
Buildings and fortifications	618520	605923	549000	
Charges on the revenues and customs	28948	52584	118091	47500
	151757	163155	103272	239246
Total charges	(b) 4255598	3024777	2738746	3177785
Deductions	2791269	2518835	2420310	
Net charges	1464329	505942	318436	
At 8s. per pagoda.				
	585731	202377	127374	

(a) In the account presented to the House last year, the charges of Madras for 1783-4 were stated at pagodas 315892, and it was observed in a memorandum at the foot of the account, that, for want of materials, these charges could not be then made up complete. By the books since received, it appears that they amount to near pagodas 1100000 more than were then stated; and it is probable that when the books of the subsequent years 1784 to 1786 arrive, the charges will exceed the amount here inserted for those years.

(b) It must be observed, that the military charges will be increased in future years by the additional King's Regiment to be stationed at Madras.

East India House, 16th May, 1788.

Errors corrected.

W. WRIGHT, Auditor of the Accounts.

An Account of the Expenses of the Island of St. Helena, and the Factory of Canton, for three Years, according to the latest Advice.

ST. HELENA.		1784-5	1785-6	1786-7
Civil charges	Pound sterling	1045	1732	6571
Military charges	-	14150	15753	18521
Fortifications	-	18	726	792
Total charges	-	5503	2461	25604
Revenues arising from rents, houses, customs, &c.	-	194	116	966
Net charges	pounds sterling	5769	2355	4918
CANTON.		1784-5	1785-6	1786-7
Factory charges	Tales	8734	108076	147437
At 6s. 6d. per tale	pounds sterling	28243	36025	49144

N. B. The factory charges at Canton are always added to the goods invoiced to Europe.

Errors excepted.

W. WRIGHT,

Auditor of Indian Accounts.

An Account of the Expences of the Residency of Fort Marlborough and its Dependencies, for three Years, according to the latest Advices; together with the latest Estimate of the same.

	1783-4	1784-5	1785-6	Estimated.
Civil charges,—Span. Dllrs.	139328	148092	155712	
Marine charges —	14308	11511	13845	
Military charges —	85188	78861	85862	
Buildings and fortifications	39552	15771	36567	
Total charges—S. Dllrs.	278376	254235	291986	
Revenues arising from customs, farms, and licences	10672	1067	9000	
Net charges—S. Dllrs.	267704	243563	282986	
At 5s. per dollar — £, sterl.	66926	60891	70746	27650

N. B. The Court's orders, March, 1785, directed the charges of the residency of Fort Marlborough to be reduced to the sum of 27650l.: but no advice is received of their being carried into effect.

East-India House,
16th May, 1788.

Errors excepted.

W. WRIGHT,
Auditor of Indian Accounts.

Abstract of the Estimate of the probable Resources of the Bengal Government, from the 30th April 1787, to the 1st May 1788.

D E B T O R.

TO BALANCE.

Amount remaining in the following departments on 30th April 1787.

GENERAL DEPARTMENT.

Civil	-	-	-	96566	2
Military	-	-	-	54701	10 10
Marine	-	-	-	13499	10 2

REVENUE DEPARTMENT.

in the hands of the chiefs and collectors, and in the Khasi treasury, Rs. Rs. 4,74,448 11 11
Batta, 10 per cent. 64,455 11 11

Penares treasury	—	—	—	—	—
			Boures S. R. e.	563-8 1. 6	4-04203 5 8
			Taux, 12 p. cent.	423 10 9	

TO RESOURCES.

4744805 13 11

GENERAL DEPARTMENT:

Mint duties	—	1730	0	0
Post-office collections	—	1040	0	0

MILITARY.

Army subsidy

A. 1788.

BENARES REVENUE.

Expected to be received from the Rajah, in part of the
 Balance due from him for the Fuzilkee year 1791
 Benares Sa. Rs.
 Batta 11 per cent.

10000 0 0
 11000 0 0

111000 0 0

9-94894 6 1

15436658 3 9

To excess of expected disbursements

59912580 4 3
 13616525 2 2

Current Rupees 79600778 11 11

Fort William,
 Accountant General's Office,
 28th August, 1787.

Errors excepted.

(Signed)

Wm LARKINS, Accountant General.

East-India House,
 26th May 1788.

A true Copy.

Wm

WRIGHT,

Auditor of Indian Accounts.

Abstract of the Estimate of the probable Disbursements of the Bengal Government, from the 30th April 1787, to the 1st May, 1788.

C R E D I T O R.

BY BALANCE.

Amount due to the following departments, on 30th April, 1787.

GENERAL DEPARTMENT.

Civil	—	—	24,595	8	0
Military	—	—	625	15	11
REVENUE DEPARTMENT	—	—	—	—	—
			31,021	7	11
			2,19	0	9
			34,50	8	8

BY DISBURSEMENTS.

CHARGES IN ARREARS

GENERAL DEPARTMENT.

CIVIL.					
Due on the 1st day of	1	3	96	—	4
Due from the Civil Department's	—	—	—	—	—
Office	—	—	6	00	0
To, — 1 to Post Master General's	—	—	57	00	0
Account	—	—	—	—	—
Arrears ordered to be discharged	—	—	—	—	—
from the unknown treasury	—	—	22,74	—	0
			50,15	6	10

MILITARY.

Pay ments to the army	—	—	1	54	09
			1	54	09

REVENUE DEPARTMENT.

Arrears due to the officers, &c., at the 1st day of May, 1788	295	90	15	13	1
Battle, 16 per Cent	4	15	1	2	—
	300	05	16	15	13

CHARGES OF 1787-8.

GENERAL DEPARTMENT.

CIVIL.

Interest demandable on the bonded debt, estimated at	166000	0	0
Do. on the certificates, estimated at	166000	0	0
Sundry charges	28180	2	8
Supreme Court of Judicature	60957	9	0
	<u>614837</u>	<u>11</u>	<u>8</u>

MILITARY.

Pymasters to the army	14556244	0	0
Prince of Wales's Band	96000	0	0
	<u>14652244</u>	<u>0</u>	<u>0</u>

MARINE.

Amount of the charges of this department	51600	0	0
	<u>2133721</u>	<u>11</u>	<u>8</u>

REVENUE DEPARTMENT.

Charges of collecting the land revenues	370583	8	3
Government customs	100000	0	0
Roudary and Dewanny Adawlots, and Police	626672	4	12
Stipend of the Nabob, and pensions	191000	0	0

Sa. Rs.	6323555	12	15
Bata, 14. per cent.	1081768	12	16
	<u>7335324</u>	<u>11</u>	<u>7</u>

REVENUE

Expenses of this refi-	
dence, payable in cash, - Benares	
fica rupees	181076 4 0
Payable at the Presidency, in certifi-	
cates	45000 0 0
	<hr/>
	226076 4 0
	<hr/>
	24868 6 2

Batta, 11 per cent.

250944 10 2

7586.69 5 9

28923551 1 5

31124862 11 8

BY EXTRAORDINARY DISBURSEMENTS, IN ARREARS.

CIVIL.

Amount of the general register of certificates, and other	
demands, bonds excepted, due to individuals, in	
circulation on 30th April, 1787	— 16924654 10 11
Deposits due from the general trea-	
sury	341436 13 10
Do. on account of the suitors of the	
late Mayor's Court	116918 3 2
Amount of certificates, &c. ordered	
for payment, but not applied for	341400 12 3
Do. — of bills drawn on the Benares	
treasury, not yet discharged	806415 0 0
Do. — of post bills issued by the Ge-	
neral Bank to the Contractors for	
the investment.	1067401 1 3
	<hr/>
	2655622 4 6

MARINE.

Deposits of the Marine pay office	
	—
	<hr/>
	19600256 11 5
	<hr/>
	6478 13 0
	<hr/>
	19606755 8 5

DISBURSEMENTS OF 1787-8.

GENERAL DEPARTMENT.

CIVIL,

Supplies to the other presidencies.

Fort St. George	450000	0	0
Bombay	—	350000	0
Fort Marlboro'	—	350000	0
St. Helena	—	20000	0
Canton	—	1500000	0
Prince of Wales's Island, exclusive of military char- ges	—	250000	0

Certificates to be granted for the re-
mainder of the loan, from the
bank, per contra — 400000 0 0

BOARD OF TRADE.

An Account of the
investment to be
exported in 87-8

Do. ditto to be ex-
ported in 1788-9.

established agree-
able to the advan-
ces made to the
Contractors for
the investment of

the year 87-8, in

the year 1786-7 3205410 12 10

7400000 0 0

On account of their
established and
contingent char-
ges

1043000 0 0

Do. of arrears due
in the commet-
cial department,
on 30th April,
1787

67150 1 3

8109150 1 3
68351 9 3
210926 5 10

Resident at Lucknow

Do. — at Benares

GENERAL TREASURY.

Expected to be repaid the attorney
of Mr. Fraser, on account of the
Vizier's bond

148184 11 6

Principal of bonds subscribed to the
remittance to be cancelled

933087 6 8

19989700 2 8

MILITARY.

Rohilla donation

708380 0 0

King's subsistence to 73d regiment

109128 0 0

Lord Clive's donation

3000 0 0

827500 0 0

2281020 2 9

REVENUE DEPARTMENT.

Allowed for balance of revenue	2822331	2	5	2
Salt peter advances	47817	13	10	
Advances and charges on account of opium	749579	4	15	
Do. — ditto — on account of salt	2854132	5	14	
Government customs and drawbacks	300 00	0	0	
	<u>677794</u>	10	1	2
Sa. Rs.	1083807	2	5	2
Batta, at 16 per cent.				
	<u>7857601</u>	12	6	

RESIDENT AT BENARES.

Opium advances — Benaris Sa. Rs. 15000 0 0
Batta, 11 per cent. 16500 0 0

	8024101	12	6
	<u>2834309</u>	15	2
	48441065	7	7
	<u>79565928</u>	3	3
Current Rupees	79600778	11	11

Errors excepted
(Signed) W. LARKINS, Accountant General.

A true copy.

W. WRIGHT,
Auditor of Indian Accounts.

Fort William,
Accountant General's Office,
28th August, 1787.

East India House,
16th May, 1788.

Abstract of the Estimate of the present Resources of the Madras Government, from the 30th April 1787, to 1st May 1788.

DEBTOR.

TO BALANCE.

Amount remaining in the following departments and offices on 30 April 1787.

CIVIL.		
Presidency	—	304624 18 32
Cuddalore	—	8495 8 33
Negore.	—	311 8 70
Madrass	—	153054 1 10
Madrass	—	19385 14 72
Vizagapatam	—	14560 32 38
Ganjam	—	60 11 72
Madraspolam	—	191 16 73
Ingeram	—	
		500683 5 0

MILITARY.

Presidency	—	22704 31 27
Tanjore	—	1687 35 48
Madrass	—	8338 21 33
Vizagapatam	—	10647 33 73
Ganjam	—	4213 6 11
		48492 20 37

REVENUE.

In the treasuries at the Presidency and Subordinates.

75474 1 57	624649 27 14	2654761
------------	--------------	---------

TO RESOURCES.

MILITARY.

Army subsidy of His Highness the Nabob
Do. — of the Rajah of Tanjore

68000 0 0	98000 0 0
-----------	-----------

REVENUE.

Land revenues of the current year	—	206,044	26	7
Do. account balances of the last and former year	—	112,763	4	72
Customs	—	10,464	23	12
		227,272	22	11
		325,272	23	11

TO EXTRAORDINARY RECEIPTS.

CIVIL.				
His Highness the Nabob, on account of his public and private creditors	—	119,539	0	0
Expected receipts from sale of the imports from Europe, and grain, &c. in store	—	38,592	0	0
Expected receipts from the Presidency of Fort William for bills to be drawn on that Presidency for the subsistence of His Majesty's troops, to the commencement of the treaty with the Nabob of the Carnatic and Rajah of Tanjore, exclusive of those to be granted for military arrears	—	19,627	0	0

Do. — Do. for Batta to the subalterns and privates who were prisoners in the Mysore country — 97,000 0 0
 From the sale of rice to be received from thence in the course of the year — 112,500 0 0
 40,527 0 0

Expected to be received on account of the privileges of the Commanders and officers of the Europe ships — 35,000 0 0
 202,513 0 0

MILITARY.

Expected to be received from the Rajah of Tanjore on account of his arrears — 2,582 3 40 8

Fort William,
 Accountant General's Office,
 the 19th August, 1787.

Pagodas and Current Rupes

Errors Excepted.

(Signed)

W. LARKINS, Accountant General.

By Appointment, Auditor of Indian Accounts.

5515609 27 19 23441340 6 5

6140259 18 33 26096101 6 5

Abstract of the Estimate of the probable Disbursements of the Madras Government, from 30th April, 1787, to 1st May, 1788.

C R E D I T O R.

CHARGES IN ARREARS.

CIVIL.

Due to the civil servants	—	—	—	23912	0	0
Do. from the civil Storekeeper's Office	—	—	—	3132	0	0
Superintendent of the Nabob's disbursements	—	—	—	891	2	1
				—	—	17933

MILITARY.

Contractor, for repairs	—	—	—	43000	0	0
Military Storekeeper	—	—	—	27088	2	8
Gratuity to the field officers since January 1786	—	—	—	24000	0	0
				—	—	96088

CHARGES OF 1787-8.

CIVIL.

Interest on the bonded debt	—	—	—	16167	7	22
Do. — on deposits	—	—	—	2703	24	50
Civil charges at the Presidency	—	—	—	135705	0	0
Do. — at Cuddalore	—	—	—	577	0	0
Do. — at Nagore	—	—	—	500	0	0
Do. — in the Circars	—	—	—	5539	0	0
				—	—	41000

MILITARY.

Paymasters to the garriçons and cantonments in the Carnatic	—	—	—	17745	4	0
Charges of the Nabob's garriçons	—	—	—	16	0	0
Extra expences on recruits	—	—	—	48	0	0
Cantonments at Vanniabad	—	—	—	24	0	0
Military Storekeeper's disbursements	—	—	—	96000	0	0

124741 59 9 527177 3 2

civil — ditto, — ditto, on account of the military	1600	0	0
Agent Vaguer's disbursements	52919	0	0
Committee of Works	1500	0	0
Garrison Storekeeper	4000	0	0
Gratuity to field officers	2100	0	0
Extraordinaries	10000	0	0
Cuddalore	12190	0	0
Nagore	14500	0	0
Circars	17250	0	0
	229417	0	0

REVENUE.

Charges, collections, general repairs, &c.	97993	5	75
Commission Fund, on which to be defrayed the salaries of the Revenue	102252	14	16
Board, Chiefs and Residents at the Subordinate, &c.	21000	0	0
Silindee charges	14000	0	0
Committee of Circuit	230045	23	
	294674	34	

EXTRAORDINARY DISBURSEMENTS IN ARREARS.

CIVIL.

To the private creditors of His Highness the Nalob	314511	32	47
--	--------	----	----

DISBURSEMENTS OF 1787-8.

CIVIL.

To the private creditors of His Highness the Nalob	877479	3	33
On account of the current year's installment	387419	0	0
Supplies to the other Presidencies.	6000	0	0
Bengal red wood	1000	0	0
St. Helena stores	7000	0	0
	1231917	3	33

MILITARY.

MILITARY:

Subsistence, gratuity, feeding horses, &c. of
His Majesty's troops serving on the Coast
Batta to the fuhalers and privates who were
prisoners in the Mysore country —

400000 0 0
97000 0 0
497000 0 0

REVENUE.

Allowed for balances of revenues that may re-
main uncollected —
Remissions to be granted to the renters of the
home farms and jaghire, and poondamellet,
on account of the extraordinary drought for
the past and present year —

26843 0 0
107388 0 0

134231 0 0 1863158 3 33 2177580 0 0

Balance unappropriated

5124414 34 41 21778762 15 11
891802 26 63 3790101 3 4
Pagodas and current rupees 6140259 18 33 26096101 6 5

Fort William,
Accountant General's Office,
the 19th August, 1787.

Errors excepted. (Signed) W. LARKINS, Accountant General.

East-India House,
16th May, 1788.

A true copy. W. WRIGHT, Auditor of Indian Accounts.

A. 1788.

DEBATE

An Account of the Annual Charges defrayed by the East India Company, for the Management of their Trade and Commerce in Bengal, Madras, and Bombay, so far as the same can be distinguished from the civil or other Charges of those Presidencies, respectively, for three Years, according to the latest Advances; together with the latest Estimate of the same.

	1782-3.	1783-4.	1784-5.	per Estimate 1787-8.
BENGAL. Charges incurred by the Board of Trade at the Presidency, and at the subordinate Factories.	964363	844579	9437'0	1042000
Current Rupees	9 64363	844579	643'60	1042000
At 2s 3d per Current Rupee, Pounds Sterling	108490	95215	106173	117225

MADRAS. The commercial charges for the three first years cannot be determined with accuracy. The estimate for 1787-8 states the sum of rupees 11450, as the charges of the Import and Export warehouses; but this is not the whole of the commercial charges. The remainder is supposed to be included in the civil charges of the Presidency, and cannot be separated.

BOMBAY. The commercial charges cannot be ascertained.

Errors excepted.

W. WRIGHT,
Auditor of Indian Accounts

East-India House,
16th May, 1788.

General Abstract of the Estimates of the Probable Resources of the Presidencies of Fort-William, Fort St. George, and Bombay, between 30th April 1787 and 1st May 1788.

DEB T O R.

To BALANCE remaining in the sundry Departments and Offices on 30th April 1787.

At Fort William	—	—	—	—	60,71,673	5	6
At Fort St. George	—	—	Pagodas	6,44,649	27	14, or	—
At Bombay	—	—	Bombay Rupees	5,67,724	—	91	—
					6,52,560	1	8
					93,84,994	7	2

TO RESOURCES.

CIVIL.	At Fort William	—	—	—	1,18,130	—	—
MILITARY.	At Fort William	—	—	—	—	—	—
	At Fort St. George	Pagodas	9,80,000	—	—	—	—
	At Fort St. George	Pagodas	—	—	52,59,648	6	9
REVENUE.	At Fort William	—	—	—	—	—	—
	At Fort St. George	Pag' 22,77,272	23	11, or	3,90,098,143	4	9
	At Bombay	B/ Rup' 11,76,600	2	76, or	96,78,408	5	6
					13,64,856	12	10
					5,01,41,408	7	1
					5,96,84,186	13	10

TO EXTRAORDINARY RECEIPTS.

CIVIL.	At Fort William	—	—	—	56,21,421	2	8
	At Fort St. George	Pag' 20,22,513	—	or	85,95,650	4	—
	At Bombay	B/ Rup' 8,85,133	1	33, or	10,26,754	10	7
MILITARY.	At Fort St. George	Pag' 2,35,823	40	8, or	10,02,251	12	11
	At Bombay	B/ Rup' 3,148	1	58, or	3,652	2	3
MARINE.	At Fort William	—	—	—	20,343	—	—
	At Bombay	B/ Rup' 60,792	1	66, or	80,959	3	3
REVENUE.	At Fort William	—	—	—	—	—	—
					1,01,302	3	3
					97,94,894	6	1
					2,61,45,956	9	9

TO EXCESS OF EXPECTED DISBURSEMENTS.

At Fort William	—	—	1,36,16,225	2	2
At Bombay	—	Bombay Rupees 36,50,644	— 62, or 42,34,717	3	6

1,75,51,222 5 8
 37,00,161 3 4

1,40,61,111 2 4

DEDUCT. An Excess of expected Receipts at Fort St. George Pag^{rs} 8,91,502 26 63, or

N^o B. From the Excess of expected Disbursements should be deducted the Amount which will be realized at Bombay, of Thirty-five Lacs appropriated in the Bengal Estimate, which may be estimated at Thirty-three Lacs.

The Civil Charges of the Prefectures of Fort William and Fort St. George include the following Sums for Interest on their Bonded and other Debt—

Fort William Bond. Debt C ^{rs} 16,60,000	—	—
General Register 10,60,000	—	—
	27,20,000	—

Fort St. George Bonded Debt,

Pag ^{rs} 1,61,607 22 60, or 6,86,832	—	10
Deposits 2,993 24 50, or 12,722 11 10	—	—
	6,97,554 12	8

The Interest on the Bombay bonded Debt being annually added to the Principal of the Bonds, has not been included in their estimated Disbursements. The Principal of their Bonded Debt, on 30th April 1787, as per their Quick Stock Statement, amounted to Bombay Rup^{rs} — 1,61,03,024 3 41

Interest one year, B Rup^{rs} 14,73,456 3 10, or 17,09,174 — 10

Cis 51,28,729 13 6

Paid in converted into C^{rs}. at 425 per 100 Pagodas.

Bombay Rupees — D^{rs} at 16 per Cent.

Current Rupees - 10,92,76,249 1 2

Fort William, Accountant General's Office,
 16th September 1787.

Compared, J. H. H.

General Abstract of the Estimates of the Probable Disbursements of the Presidencies of Fort William, Fort St. George, and Bombay, between 30th April 1787 and 1st May 1788.

CREDIT O K.

By BALANCE due to sundry Officers in the different Departments, on 30th April 1787.

At Fort William

CHARGES IN ARREAR.

CIVIL:

At Fort William

At Fort St George

At Bombay

Pag^s

By Rup^s

27,953

31,031,122

27

14, or

1, or

9

5,01,576

10

1,18,802

15

3,51,521

9

9,72,001

3

34,850

8

MILITARY.

At Fort William

At Fort St George

At Bombay

Pag^s

By Rup^s

96,088

2

8, or

3

5,00,103

2

85, or

14

9,28,159

6

2,76,849

1

31, or

15

26,93,983

10

3,21,145

3

3,42,315

15

MARINE.

At Fort William

At Fort St George

At Bombay

Pag^s

By Rup^s

96,088

2

8, or

3

5,00,103

2

85, or

14

9,28,159

6

2,76,849

1

31, or

15

26,93,983

10

3,21,145

3

3,42,315

15

DISBURSEMENTS IN ARREAR.

At Fort William

At Fort St George

At Bombay

Pag^s

By Rup^s

3,14,521

32

77, or

8

1,96,06,755

8

1,33,671

7

5,34,658

5

2,14,78,131

6

8

2,58,07,576

15

CHARGES OF 1787—8.

At Fort William

At Fort St George

At Bombay

Pag^s

By Rup^s

4,13,072

11

30, or

5

17,55,557

5

8,40,870

12

6

87,44,465

13

11

2,69,36,915

8

9

CIVIL.

At Fort William

At Fort St George

At Bombay

Pag^s

By Rup^s

4,13,072

11

30, or

5

17,55,557

5

8,40,870

12

6

87,44,465

13

11

2,69,36,915

8

9

MILITARY.

At Fort William

At Fort St George

At Bombay

Pag^s

By Rup^s

2,59,447

17

2,81

4

97,51,272

4

2,53,329

4

9

2,69,36,915

8

9

A. 1788.

D E B A T E

MARINE.

At Fort William
At Bombay

10,97,417 12 10

3,36,900 — —
5,60,517 12 10

REVENUE.

At Fort William
At Fort St George
At Bombay

87,31,763 12 9

4,55,10,563 — 3

EXTRAORDINARY DISBURSEMENTS.

CIVIL.

At Fort William
At Fort St George
At Bombay

2,61,35,176 5 5

MILITARY.

At Fort William
At Fort St George
At Bombay

30,54,298 11 2

MARINE.
REVENUE.

At Bombay
At Fort William
At Fort St George

85,94,583 8 6

Current Rupees — 10,92,76,249 1 1

Errors excepted.

(Signed)

WILLIAM LARKINS,
Accountant General.

A true Copy.

WM. WRIGHT,
Auditor of Indian Accounts.

East-India House,
16th May, 1778.

THE
H I S T O R Y
OF THE
PROCEEDINGS AND DEBATES
OF THE
H O U S E of L O R D S

In the FIFTH SESSION of the
Sixteenth Parliament of GREAT BRITAIN;

Appointed to be holden at WESTMINSTER

On TUESDAY the 18th of MAY, 1784.

Tuesday, 27th November, 1787.

THE House of Peers met, according to their last prorogation, when the Duke of York took his seat. His Royal Highness, having been by letters patent, dated the 17th of November, 1784, in the 24th year of his Majesty's reign, created Duke of York and Albany, was, in his robes, which, with the collar of the order of the Garter, his Highness had put on in the Earl Marshal's room, introduced into the House of Peers in the following order:

Sir Francis Molineux, Gentleman Usher of the Black Rod, with his staff of office.

Garter Principal King of Arms, in his robes, with his sceptre, bearing his Royal Highness's patent.

Duke of Norfolk, Earl Marshal of England.

Sir Peter Burrell, Deputy Great Chamberlain of England.

His Royal Highness the Duke of York, carrying his writ of summons, supported by the Duke of Chandos and Duke of Beaufort, and proceeding up the House with the usual reverences, the writ and patent were delivered to the Lord High Chancellor, Speaker, on the woolfack, and read by the Clerk of the Parliament, at the table, his Royal Highness and the rest of the procession standing near: after which,

his Royal Highness was conducted to his seat near the Throne, and being covered as usual, the ceremony ended.

Soon afterwards, His Majesty came to the House, and being seated on the throne with the usual solemnities, and the Gentleman Usher of the Black Rod being sent with a message, commanding the attendance of the Commons, the Speaker, and several members, attended below the bar, when the King made the following speech from the throne :

“ My Lords and Gentlemen,

“ AT the close of the last session, I informed you of the concern with which I observed the disputes unhappily subsisting in the Republic of the United Provinces

“ Their situation soon afterwards became more critical and alarming, and the danger which threatened their constitution and independence seemed likely, in consequence, to affect the security and interests of my dominions.

“ No endeavours were wanting on my part to contribute, by my good offices, to the restoration of tranquillity, and the maintenance of the lawful government ; and I also thought it necessary to explain my intention of counter-acting all forcible interference, on the part of France, in the internal affairs of the Republic. Under these circumstances, the King of Prussia having taken measures to enforce his demand of satisfaction for the insult offered to the Princess of Orange, the party which had usurped the government of Holland applied to the Most Christian King for assistance, who notified to me his intention of granting their request.

“ In conformity to the principles which I had before explained, I did not hesitate, on receiving this notification, to declare, that I could not remain a quiet spectator of the armed interference of France ; and I gave immediate orders for augmenting my forces both by sea and land.

“ In the course of these transactions, I also thought proper to conclude a treaty with the Landgrave of Hesse Cassel, by which I secured the assistance of a considerable body of troops, in case my service should require it.

“ In the mean time, the rapid success of the Prussian troops, under the conduct of the Duke of Brunswick, while it was the means of obtaining the reparation demanded by the King of Prussia, enabled the provinces to deliver themselves from the oppression under which they laboured, and to re-establish their lawful government.

“ All subjects of contest being thus removed, an amicable explanation took place between me and the Most Christian King ; and declarations have been exchanged by our respective Ministers, by which we have agreed mutually to disarm,

“ disarm, and to place our naval establishments on the same footing as in the beginning of the present year.

“ It gives me the greatest satisfaction that the important events, which I have communicated to you, have taken place, without disturbing my subjects in the enjoyment of the blessings of peace; and I have great pleasure in acquainting you, that I continue to receive, from all foreign powers, the fullest assurances of their pacific and friendly disposition towards this country. I must, at the same time, regret that the tranquillity of one part of Europe is unhappily interrupted by the war which has broken out between Russia and the Porte.

“ A convention has been agreed upon between me and the Most Christian King, explanatory of the thirteenth article of the last treaty of peace, and calculated to prevent jealousies and disputes between our respective subjects in the East Indies. I have ordered copies of the several treaties to which I have referred, and of the declaration and counter-declaration exchanged at Versailles, to be laid before you.

“ Gentlemen of the House of Commons,

“ I have ordered the estimates for the ensuing year to be laid before you, together with an account of the extraordinary expences which the situation of affairs rendered necessary.

“ I have the fullest reliance on your zeal and public spirit, that you will make due provision for the several branches of the public service. I am always desirous of confining those expences within the narrowest limits, which a prudent regard for the public safety will permit; but I must, at the same time, recommend to your particular attention to consider of the proper means for maintaining my distant possessions in an adequate posture of defense.

“ My Lords and Gentlemen,

“ The flourishing state of the commerce and revenues of this country cannot fail to encourage you in the pursuit of such measures as may confirm and improve so favourable a situation.

“ These circumstances must also render you peculiarly anxious for the continuation of public tranquillity, which is my constant object to preserve.

“ I am, at the same time, persuaded you will agree with me in thinking, that nothing can more effectually tend to secure so invaluable a blessing, than the zeal and unanimity which were shewn by all ranks of my subjects on
“ the

“ the late occasion, and which manifested their readiness to
 “ exert themselves whenever the honour of my crown, and
 “ the interests of my dominions, may require it.”

After His Majesty had quitted the House, Lord Heathfield took the oaths, and his seat on the Baron's bench—His Lordship was introduced by Lord Rodney and Lord Delaval; after which the Marquis Townshend went through the formalities of his recent creation to that dignity. He was supported by the Marquis of Buckingham and the Marquis of Lansdown.

The Lord Chancellor then read a copy of His Majesty's speech, which being again read over by the clerk,

Earl of
 Harrington.

The Earl of *Harrington* rose, and observed that it was with peculiar satisfaction that he requested the attention of their Lordships on the present occasion, though he was convinced that it was not necessary for him to say much to induce them to agree to an address which he should have the honour to move, nor did he conceive that it was requisite at any great length, to urge their Lordships to give their approbation to measures, the result of which had proved so fortunate for the honour and interests of Great Britain. Every man who beheld this country rising from depression, to that rank among the nations of Europe in which she had long flourished, and which it had been the labour of our ancestors to preserve, must feel a glow of satisfaction in contemplating the present auspicious moment. The measures had been adopted, as a natural consequence of the alarming interference of France in the dissensions which unhappily disturbed the constitutional Government of the United Provinces, had not only restored the public tranquillity, but defeated the deep designs of an enemy which we had every reason to dread, and which we ought perpetually to watch with a jealous eye. To gain an ascendancy in the councils of Holland had been the favourite object, and the invariable policy of France for a long series of years: and it was unnecessary for him to say how fatal those designs, had they succeeded, might have proved to his country. Happily they were now frustrated, he hoped, for ever. He would, for a moment, suppose, that the party against the House of Orange had prevailed, and to support their cause, that they had thrown themselves into the arms of France: what would have been the natural consequences? The Austrian Netherlands, which were at so great a distance from the seat of Empire, would probably have been the first sacrifice to the pride and ambition of their new ally. And would not this country have had every thing to dread from the junction of the marine of Holland with that of the House of Bourbon?

Upon

. Upon this occasion, no inconsiderable degree of praise was due to Ministers for their active and spirited exertions against an opposition so formidable in its nature. Had they lingered in negotiation, their endeavours would probably have proved fruitless, and the consequence might have again plunged us into a ruinous, expensive, and unequal war. It was, therefore, with the most unfeigned satisfaction that he now viewed the reverse of the picture, and that he again beheld his country in so flourishing and flattering a situation: a situation which had been purchased without the blood of her armies, or the expenditure of her treasures. He heartily congratulated the Sovereign on an occasion so honourable to his Councils, and so grateful to the nation at large, and he hoped he would long enjoy those honours which now fell thick around him. The Earl of Harrington then entered upon a short detail of the motives which had induced the King of Prussia to take a decided part in the disputes of Holland, and complimented the Prince of Brunswick on the good conduct which had distinguished his operations in re-establishing the constitutional Government. He concluded with moving, that a humble address be presented to His Majesty, to assure him that His Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in Parliament assembled, beg leave to return His Majesty their humble thanks for his most gracious speech from the throne.

That they acknowledge with heartfelt gratitude his Majesty's constant regard to the interests of his people, which could not be more fully manifested than by his attention to the disputes lately subsisting in the Republic of the United Provinces.

That the danger with which their constitution and independence were threatened could not but affect, in its probable consequences, the security and interests of His Majesty's Kingdoms.

That they beg leave, therefore, humbly to express their highest approbation of His Majesty's just and wise determination to counteract all forcible interference on the part of France in the internal affairs of the Republic; and that they acknowledge, in the fullest manner, the propriety and necessity of the declaration made by His Majesty in conformity to these principles, when the intention of the Most Christian King to assist the party which had usurped the government of Holland was notified to His Majesty. And that they cannot but heartily applaud the wise and vigorous steps taken by His Majesty for the augmentation of his forces by sea and land; measures which, while they prepared the country for the emergency which might arise, were the most likely to prolong the blessings of peace.

That

That they learn, with particular satisfaction, the rapid success of the Prussian troops under the auspicious conduct of His Serene Highness the Duke of Brunswick, which has obtained for His Prussian Majesty the just reparation which he demanded, and enabled the provinces to deliver themselves from the oppression under which they laboured, as well as to establish their ancient and lawful government.

That the important events which have taken place, without disturbing His Majesty's subjects in the enjoyment of the blessings of peace, afford matter of cordial congratulation to His Majesty; and that they are happy to see His Majesty enabled to enter into an agreement with the Most Christian King for disarming; and placing the naval establishments of the two countries upon the same footing as in the beginning of the present year.

That they beg leave to return their humble thanks to His Majesty for ordering the several treaties and conventions to be laid before this House, and to assure His Majesty that they shall see with satisfaction any arrangement calculated to prevent jealousies and disputes between His Majesty's subjects and those of the Most Christian King in the East Indies.

That His Majesty may depend upon their concurrence in such measures as it may seem expedient to adopt, in consequence of the other engagements entered into by His Majesty, as well as such as may be necessary for placing His Majesty's distant possessions in an adequate posture of defence.

That the flourishing state of the commerce and revenues afford them the highest satisfaction, and cannot fail to stimulate them to use their utmost endeavours to confirm and improve such important advantages, as well as to concur with His Majesty's paternal wishes for the continuation of the public tranquillity.

That they lament that hostilities should have broken out in any part of Europe; but that they receive with satisfaction the information that His Majesty continues to be assured of the pacific disposition of all foreign powers towards this country.

That they reflect with pleasure on the zeal and unanimity shewn by all ranks of His Majesty's subjects on the late occasion, as it must give more weight to the assurances which they now humbly offer to His Majesty, that, with every wish to cultivate the blessings of peace, they shall be always ready to exert themselves to the utmost, when the honour of His Majesty's Crown and the interest of his people may require it.

. Viscount *Bulkeley*, seconding the motion, said :

My Lords,

I have been so little accustomed to deliver my sentiments in public, that I should tremble at my own presumption in offering myself to your notice, if I was not well assured of your candour and indulgence.—Though I experience the full weight of the task which I have imposed on myself in seconding the noble Lord in a motion for a dutiful address to His Majesty, I confess, my Lords, I feel some degree of vanity in claiming your attention at this particular juncture, which the wisdom and the spirit of His Majesty, and his Ministers, has rendered proud and glorious to all who love their country, and wish well to its prosperity and success.—It is unnecessary for me, my Lords, (particularly after what has been so well and properly said by the noble Earl) to take up a moment of your Lordships' time, in order to induce you to testify that respect which this House is, I am sure, disposed to return in answer to His Majesty's most gracious speech from the throne.—The principal points which His Majesty has dwelt upon, relate to the dissensions in the Republic of Holland, the state and progress of which have been the more observed and lamented by the people of England, because they involved with them the dissolution of the old ties and connections between the two countries.—They were broken by the mad infatuation of a party in the Republic, determined on the destruction of their old constitution, and encouraged by a confidence in the interference of the Court of France.—I need not tell your Lordships that their enmity to the Stadtholder, and to the adherents to the old constitution, were replete with objects ultimately of the most dangerous consequences to this country.—His Majesty and his Ministers saw the tendency of these combinations against the security of his kingdoms, and the immediate and urgent necessity of co-operating with the King of Prussia, to support the legal authority of the Stadtholder and of the old constitution of Holland. In mentioning the King of Prussia, I cannot refrain from observing to your Lordships how noble a part he has acted on a late occasion, and how worthy the successor of his immortal uncle; nor can I refrain from joining my tribute of admiration to that of the noble Earl, of the transcendent military and political talents displayed by that illustrious Prince so nearly allied to this country, to whom the King of Prussia thought proper to entrust the command of his army in Holland. The declaration of the Most Christian King, signified by his Minister at this Court, left to His Majesty no alternative, consistent with those principles which

Viscount
Buckley.

his regard to the dignity of his Crown, and his affection to the interests of his people, suggested to him.—You saw, my Lords, how all ranks of men pressed forward to support the exertions which the King of a free country alone can make when he reigns in the hearts and affections of his Parliament and of his subjects.—Subsequent explanations afterwards took place, and the declaration and counter-declaration between the Courts of France and Great Britain finally settled the points at issue.—As those papers are to be laid before you, I will leave your Lordships to comment upon them, and to read them with a pride and satisfaction which they cannot fail to excite in your hearts.—The consequences and probable effects of these events will, I trust, be the restoration to this country of her old and natural alliances.—I leave the ground of these expectations, as well as other details, I leave to be explained to your Lordships by His Majesty's Ministers.—All these great advantages have been obtained to this country under the auspices of a Minister who, besides a hereditary claim to your confidence, has now by his foreign negotiations, as before by his internal management of your resources, proved himself equal, if not superior, at a very early period of his life to any of those great characters who have ever adorned this country. It is under his administration that this country is restored to the rank and consequence it formerly held in the political scale of Europe—I have now, my Lords, most humbly to thank your Lordships for allowing me to intercept your attention from others much more deserving of it, and to express my sincere hope, that in testifying every expression of loyalty and attachment to the person of His Majesty, and to the safety of his dominions, joined to an approbation of the measures which have been adopted, there will not be found amongst your Lordships a dissentient voice.

The Bishop of *Llandaff* rising next, said :

My Lords,

Bishop of
Llandaff

When the commercial treaty with France was agitated in Parliament during the last session, I made an observation which I will, on this occasion, take the liberty to recall to your Lordships' recollection. In adverting to the importance of the trade of Holland to this country, I expressed myself, as nearly as I can now recollect, in the following terms:—I knew not, I said, by what ill-judged policy in one country, or in both, it had happened, that the good understanding which had formerly subsisted between Great Britain and Holland had of late years been much interrupted; sure I was, that it was for the most essential interests of both countries that it should, as soon as possible,

b e

be restored, for that I had ever considered Holland as the firmest barrier to this country against the ambition of France; inasmuch as if France should ever, either by force or fraud, become really or virtually possessed of the marine of Holland, in addition to, or conjunction with, her own, there would be an end of our history as a great, commercial, and free people. And as to that Republic, she was infatuated, I thought, by her divisions, if she did not perceive, that she could never be secured against the machinations of continental despotism but by the shield of Britain.—It would be an abuse of your Lordships' patience to spend any time in shewing, how the present circumstances of the two countries coincide with, and conform to, the truth of this observation in both its parts; there is not a noble Lord in the House, nor a person out of it, who has turned the subject in his thoughts, but must clearly perceive, that the present view of the Government of Great Britain and of Holland, are in perfect correspondence with the ideas here thrown out.

It was not, however, for the sake of making this remark that I have troubled your Lordships with a repetition of the observation; but from a desire of shewing the consistency of my own conduct, by explaining the ground of the opinion which I mean this day to deliver.

My Lords, it is impossible for me, whose mind is occupied by such ideas as I have mentioned, not to give a clear and full approbation of the measures, which His Majesty's Ministers have been pursuing for the last three months; they have been, I humbly think, founded in great political wisdom, and executed with vigour and expedition. To have opened the eyes of the Dutch nation to their true interests, to have disengaged them from the net by which French policy had entangled them, and to have united them with such firmness and policy, in bonds of amity and interest to this country, are measures for which His Majesty's Ministers deserve the thanks of their country; for which at least (however despicable the support of a poor Bishop may be in the estimation of men high in rank, and high in office) I now give them mine with cordial sincerity.

One difficulty, my Lords, has occurred to me in weighing this subject; it is a difficulty of some importance: I will state it.—On the principles of the law of nature and nations, what right had Great Britain or Prussia to interfere by force, in settling the internal disputes of an independent state? Was it the right which every individual in a state of nature, (and all independent nations are in that state) possesses, of assisting those whom he sees oppressed by unjust force? No; to say it was that right, is to take the question for granted,

since the opponents of the Stadtholder will not allow that he was oppressed by unjust force. Was it the right of assisting the *majority* of a country, to recover their antient civil constitution from the encroachments and usurpation of a daring and deluded faction? I trust, my Lords, it was that right; I trust that the majority of the Dutch nation were desirous rather of reinstating the Stadtholder in his authority, than of restricting it within narrower limits than he had formerly possessed; I trust, I say, that it was that right; but I do not know that it was; I am not enough acquainted with the wishes of the majority of the Dutch nation on this head. Upon what other ground then, is it, that I have proceeded in approving, not merely as useful, but as just, the measures of Administration? It is on the ground of self-preservation; for if France had gained Holland, we had been undone.

There is a question much debated amongst writers on jurisprudence, which is very applicable to the case in point; I will mention it nearly in the words of Grotius: *contra crescentem potentiam quæ nimium aucta nocere possit, licet ne arma sumere?* Grotius and Puffendorff determine this question in the negative. I should blush with shame, in opposing my opinion to such high authority, if I could not give a reason for it. It is not the mere possibility of our being injured by the growing power of France, that justifies us in taking up arms against her, but it is the probability united with the possibility; it is the probability that if she had the power, she would not want the will to do it. There is not a Cabinet in Europe which is to be trusted with the power of enlarging her dominions; and no one believes that France is more to be trusted than any other. When it is said that Holland and the other states of Europe are independent states, the proposition is true only in a certain consideration; for they all depend one upon the other, like the links of the chain; and it is the business of Great Britain to watch France, of France to watch Great Britain, and of every link of this chain to watch every other, lest any one of them should become so weighty and powerful, as to drag down to perdition, to the loss of personal liberty and political importance, every other. This is the principle upon which all the wars undertaken for preserving the balance of power in Europe have proceeded, and on this principle our present measures are to be justified.

I do not mean frequently to take up your Lordships' time on political subjects; but having, on a late occasion, with great freedom and sincerity, condemned the measures of Administration, because they appeared to me subversive of the commercial principles by which we had hitherto so highly prospered,

prospered, and in other respects dangerous to the state; I thought it but common justice to them and to myself, to express my full and decided approbation of the present measures, which I cannot but consider as highly salutary to the best interests of the community.

Will the House permit me to indulge my private feelings for a single moment on a different subject? It is a subject which none of your Lordships will ever hear without regret, which I shall never think of without sorrow—*The death of the Duke of Rutland*. The dead listen not to the commendations of the living, or, dearly as I loved him, I would not now have praised him.

The world, my Lords, was not aware of half his ability, was not conscious of half his worth; I had long and just experience of them both.

In the conduct of public affairs his judgement was equalled, I verily believe, by few men of his age; his probity and disinterestedness were, I am confident, exceeded by none.—All the letters which I received from him respecting the public state of Ireland, and they were not a few, were written with strong good sense, and in nervous language. They all breathed the same liberal spirit, had all the same noble tendency—not that of aggrandizing Great Britain by the ruin of Ireland—not that of building up Ireland at the expence of Great Britain—but that of promoting the united interests of both countries, as essential parts of one common empire.

In private life, my Lords, I know that he had a strong sense of religion on his mind, and he shewed it by imitating his illustrious father in the practice of one of its most characteristic parts—in being alive to every impulse of compassion. His family, his friends, his dependents, all his connections, can witness for me the warmth and the sincerity of his personal attachments.

From the time this young nobleman was admitted a pupil under me at Cambridge, I have loved him, my Lords, with the affection of a brother; and I have, through life, on every occasion of difficulty spoken to him, and I thank God that I have done so, with the firmness and sincerity of a father. Your Lordships will judge then, all private interest totally out of the question, how inexpressibly I have been, and am, afflicted by his death.

His memory, I trust, will be long, long revered by the people of this country, long held dear by the people of Ireland—and by myself I feel it will continue to be held most dear as long as I live.

Viscount Stormont protested that it was always his inclination to agree in the address to the Throne; nor did he ever dissent from it, except on those occasions when a sense of his duty

Viscount
Stormont.

duty as a Member of that House superseded all compliment. In the present instance he had no objection to concur with the address which had been moved, and seconded by the two noble Lords opposite to him with such uncommon ability. This declaration would not, however, he trusted, be considered as binding him to a general approbation of all the points which were included in His Majesty's speech, and which, as usual, were re-echoed in the address. Many of those he had not yet an opportunity of examining, so as to ascertain whether they deserved his censure or applause; and there were some topics involved in such obscurity, as to render it impossible for him to give any opinion concerning them in that early period of the session. With this modification, he had no difficulty in his mind to say, that the address met with his approbation. He would go farther, and give Ministers the sanction of his voice for the measures they had lately adopted. He thought the armaments which had been made necessary, in the critical juncture of public affairs, the preservation of the Stadtholder's rights, (for so he considered them) the restoration of the ancient constitution of Holland, and the dearest interest of this country, required vigorous exertions on the part of Government; but while he was ready to express his coincidence with those proceedings, he could not but recur to the strange and inconsistent language and conduct of his Majesty's Ministers, dating from a period not very remote.

On this occasion their Lordships might naturally suppose that he alluded to the debates on the commercial treaty, when that House was so much entertained with the assurances of the amicable and peaceable intentions of the court of France.—When the highest strains of poetical imagination were employed to depict the serene, unclouded atmosphere which we were in future to enjoy—A state of blissful indulgence, which nothing could cast a shade on but the unfounded jealousies and visionary suspicions of those who, like himself, were distrustful of Gallic friendship and Gallic faith.—Yet, beautiful as were such descriptions, it could no longer be denied, that at the very moment when Ministers were with a childish credulity, swallowing those professions, and cramming them down the throats of that House, storm was actually gathering which threatened the annihilation of the political importance and splendour of this country.

No longer did it remain a secret that the cabinet of Versailles was at that very period exerting every engine of intrigue to possess itself of an absolute control over the United Provinces. That they had failed of their object, he attributed solely to the interposition of Providence; for, had not the French party, or those who called themselves patriots, in Holland,

Holland, and whom Ministers, not very respectfully towards their good friends, had stigmatized as usurpers, been so infatuated as to refuse the redress demanded by the King of Prussia for the indignity offered to his sister, what circumstance could have prevented the French from continuing their machinations in that country? Had that deluded faction come forward, and professed their readiness to make every reparation in their power for the insult which the Prince of Orange had met with, surely the King of Prussia could not have found even the slightest pretext, consistently with his own public declarations, for interfering forcibly in the affairs of the republic. This being the case, what merit could Administration arrogate to themselves for the happy turn which things had taken? To judge from the language of the King's speech, one would be led to suppose that the disturbances in Holland had originated within a very short time preceding the late revolution. Was the fact so? or rather he should ask, had not Administration, with an unpardonable supineness and indifference, suffered the Stadtholder to be driven from the Hague, to be divested of his most sacred and valuable rights, and to be nearly expatriated before they took any steps to relieve him? Lulled to rest by these seducing, but delusive, professions of their *novel* friends, they permitted them to pursue their policy in Holland, without taking one effectual step, with which, at least, the world was acquainted, to counteract them; and if this country had now recovered her ancient alliance with the United States, and regained her ascendancy in the political scale of Europe, it was perfectly fair for him to ascribe that glorious event to the singular and unforeseen occurrences which had happened, rather than to the wisdom and foresight of Ministers.

Lord Stormont next taking a view of the actual situation of France, suggested a defence for the conduct of the French Minister, from the words of Dido to *Æneas*, *res dura, & regni novitas*, &c. He dwelt on the distracted situation of that country, and expressed his hope that the spirit of liberty which had lately appeared there might become general. To that deranged state, more than to their affection and complaisance for Ministers, he attributed their readiness to disarm. Not having seen the official authentic declaration which produced *that*, he must reserve his opinion to some future day. He could not, however, avoid remarking, that Spain appeared to be totally unnoticed in it, although it was perfectly well understood that this power, whose true interest should lead her to an alliance with England, had declared her approbation of the steps taken by France with regard to Holland, and had actually made considerable naval and military preparations, in order to second her ally. This circumstance,

considering

considering how much Spain was influenced by French politics, was too serious to be passed over without investigation. He would, however, refrain from urging any thing farther on the subject, satisfied that as a prospect of much information from his Majesty's Ministers was presented, they would satisfy the House upon that, as well as many other parts of the speech, which required elucidation.

In conclusion Lord Stormont observed that Ministers were highly reprehensible for their neglect of our East-India territories. He admitted that the French naval force in that quarter of the globe was not, abstractedly taken, very great, but compared to ours, it was all-powerful; and had France continued her hostile preparations, there was no doubt but that they might have seized upon all our commerce in that country before any reinforcement could be sent out for its protection. This charge he would not urge in the absence of the noble Lord at the head of the Admiralty, were the neglect imputable to him; but as it lay solely with the confidential servants of the crown, against whom he urged it as a matter of serious crimination, he was restrained by no delicacy from stating it. He did not, however, mean to go farther than by placing before their eyes the dangers which they had escaped, to draw their attention more immediately to those important objects which involved the most essential interests of this country, and an inattention to which might, at a future period, prove fatal to us as a great, commercial, political, (and what was above all) a free people.

Marquis of
Carmarthen

The Marquis of *Carmarthen* expressed his satisfaction in the noble Viscount's concurrence to the motion. He was undoubtedly entitled to reserve his objections to any part of it which he might think demanded farther discussion. The copies of the treaties would be laid before the House in a few days, when the noble Viscount would have an opportunity of examining them with his usual accuracy. With respect to what had fallen from the noble Viscount, relatively to what he had said when the business of the Commercial Treaty was debated, he had not been so correct. Neither he, nor any of his Majesty's Ministers, had ever said, that any important political advantage which this country enjoyed ought to be given up for the purpose of accomplishing a Treaty of commerce with France—On the contrary, he had invariably asserted, that, though it was a desirable object for us to live upon good terms with France as long as she would suffer us, yet still we ought to watch all her motions with a jealous eye. Our late success, so far from lulling us into security, would only tend to increase our vigilance, so that no danger was to be apprehended from the supineness or inactivity of Ministers, as long as they enjoyed the confidence of

A. 1787.

D E B A' T E S

of the people, which was so conspicuously manifested on the late occasion.

Lord King approving of the Address and measures of Government, affirmed that the observations of the noble Lord in the green ribbon were, so far as respected our continental influence, highly improper. He wished him to recollect, that he formerly belonged to that detestable Administration which had almost destroyed our continental influence, and brought out political importance in Europe to the very verge of ruin. Lord King.

The Duke of Norfolk expressed his general approbation of the measures which had been carried into Execution, and of the good consequences which had resulted from them. He approved also of that part of His Majesty's speech which recommended the putting our distant possessions into a proper state of defence, but reserved any observations he might make on that subject till a future day. Duke of Norfolk.

The Lord Chancellor then put the question, and the motions for an address was carried *nemine dissentiente*. The Lord Chancellor.

The House then went into a Committee to prepare the Address, which was reported and agreed to.

The House adjourned.

Wednesday the 28th of November.

The House went in procession to St. James's with the following Address:

The humble Address of the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

Die Martis, 27^o Novembris, 1787.

" Most Gracious Sovereign,

" We, your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious speech from the throne.

" We acknowledge with heartfelt gratitude your Majesty's constant regard to the interests of your people, which could not be more fully manifested than by your attention to the disputes lately subsisting in the republic of the United Provinces.

" The danger with which their constitution and independence were threatened, could not but affect, in its probable consequences, the security and interests of your Majesty's kingdoms.

" We beg leave therefore humbly to express our highest approbation of your Majesty's just and wise determination to counteract all forcible interference on the part of

VOL. XXIV.

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" France,

“ France, in the internal affairs of the Republic; and we
 “ acknowledge in the fullest manner the propriety and ne-
 “ cessity of the Declaration made by your Majesty in con-
 “ formity to these principles, when the intention of the
 “ Most Christian King to assist the party which had usurped
 “ the government of Holland was notified to your Majesty,
 “ for the augmentation of your forces by sea and land;
 “ measures which, while they prepared the country for any
 “ emergency which might arise, were the most likely to
 “ prolong the blessings of peace.

“ We learn, with particular satisfaction, the rapid success
 “ of the Prussian troops under the auspicious conduct of his
 “ Serene Highness the Duke of Brunswick, which has ob-
 “ tained for his Prussian Majesty the just reparation which
 “ he demanded, and enabled the provinces to deliver them-
 “ selves from the oppression under which they laboured, as
 “ well as to establish their ancient and lawful govern-
 “ ment.

“ The important events which have taken place, without
 “ disturbing your Majesty’s subjects in the enjoyment of the
 “ blessings of peace, afford matter of cordial congratulation
 “ to your Majesty; and we are happy to see your Majesty
 “ enabled to enter into an agreement with the Most Christian
 “ King for disarming, and placing the naval establishments
 “ of the two countries upon the same footing as in the be-
 “ ginning of the present year.

“ We beg leave to return our humble thanks to your Ma-
 “ jesty for ordering the several treaties and conventions to be
 “ laid before this House, and to assure your Majesty that
 “ we shall see with satisfaction any arrangement calculated
 “ to prevent jealousies and disputes between your Majesty’s
 “ subjects and those of the Most Christian King in the East
 “ Indies.

“ Your Majesty may depend upon our concurrence in such
 “ measures as it may seem expedient to adopt, in consequence
 “ of the other engagements entered into by your Majesty,
 “ as well as such as may be necessary for placing your
 “ Majesty’s distant possessions in an adequate posture of
 “ defence.

“ The flourishing state of the commerce and revenues af-
 “ ford us the highest satisfaction, and cannot fail to stimu-
 “ late us to use our utmost endeavours to confirm and improve
 “ such important advantages, as well as to concur with your
 “ Majesty’s paternal wishes for the continuation of the pub-
 “ lic tranquillity. We lament, that hostilities should have
 “ broken out in any part of Europe; but we receive with
 “ satisfaction the information that your Majesty continues

A. 1787.

D E B A T E S

"to be assured of the pacific disposition of all foreign powers
"towards this country.

"We reflect with pleasure on the zeal and unanimity
"shewn by all ranks of your Majesty's subjects on the late
"occasion, as it must give more weight to the assurances we
"now humbly offer to your Majesty, that, with every wish
"to cultivate the blessings of peace, we shall be always ready
"to exert ourselves to the utmost, when the honour of your
"Majesty's Crown and the interests of your People may re-
"quire it."

To which His Majesty returned the following answer:

"*My Lords,*

"I thank you for this affectionate and loyal address. The
"satisfaction which you have unanimously expressed in the
"measures I have taken is particularly agreeable to me. You
"may depend, that both in war and in peace my constant
"objects shall be the honour of my Crown, and the advance-
"ment of the interests of my People."

Thursday, 29th November.

No material business (that relating to Mr. Hastings ex-
cepted, which, for obvious reasons, will scarcely enter into
a part of this work) occurred.

The House adjourned until

Wednesday, 5th December.

Between which period and Monday the 12th, no debate
of particular importance took place; but, upon the last men-
tioned day, the King came to the House, passed the malt,
the land tax, and the marine mutiny bills; soon after which
the Lords adjourned until

Wednesday, 30th January, 1788

When the Clerk of the Crown delivered in at the table a
certificate of Lord Cathcart being returned is one of the six-
teen Peers of Scotland, in the room of the late Earl of Dal-
housie. It was read by the clerk; after which

The Earl of *Silknot* rose, and objecting against its recep- The Earl of
tion, declared, that he thought it his duty, as a Peer of that House
House, to pursue this measure.

The *Lord Chancellor* answered, that there was no prece- The Lord
dent of such a measure. The certificate was on their Chancellor
Lordships' table, and there it must lie. It was a docu-
ment regularly brought before their Lordships, and to which
the whole House, were they so disposed, had not power to
refuse admission. He hoped he had now the honour of be-

ing sufficiently intelligent to convince his Lordship of the impropriety of his objection; a compliance with which was utterly impossible. If there were any objections respecting the merits of the election, a motion ought to be made for the House to go into a Committee of Inquiry, &c. and then they would be competent to judge of all matters and things which constituted the objections, and might decide upon inquiries to effectuate the purpose of the merits of the election.

Lord Selkirk. Lord *Selkirk* replied, that he had not yet the honour of being convinced by the noble and learned Lord. He should, on a future occasion, take the sense of the House, and also beg leave to enter his protest against the measure of receiving the paper in question.

The Lord Chancellor. The *Lord Chancellor* observed that, for his own part, he was unfortunate if he had not been sufficiently explicit; it appeared to him impossible to say any thing upon the subject which could tend to its elucidation, more than he had already had the honour of submitting to their Lordships. To declare that they had no power to refuse reception to the certificate in dispute, appeared to him a sufficient reason for receiving it. The House adjourned to

Friday, 1st February.

When no debate occurred, either then, or until

Tuesday, 5th February.

Lord Rawdon. Lord *Rawdon* rose, and intreated the permission of the House to introduce, in consequence of their orders, a bill for the relief of insolvent debtors. He observed that, in correcting and revising the present bill, he had been favoured with the assistance of some gentlemen of the learned profession, and that it had been his aim, as much as possible, to cure and purge the bill of every ground of objection. He had heard it said, when the subject was last in discussion, that a line ought to be drawn to distinguish the honest from the fraudulent debtor. To that advice he had seriously attended, and as he had never heard any objection urged against the fair principle of an insolvent bill, which went to the relief of honest insolvents, he trusted that a bill built upon that principle, would not call forth any considerable degree of opposition. At the same time, he was free to confess, that the bill was not quite so complete as he could have wished, but he had added two clauses more than were contained in the bill discussed last session; and he had made a small alteration in the act commonly called the Lords' act. He explained the nature of the new clauses; both of which it had been his intention, and that of a noble Duke, to have moved to add to the

the bill in agitation last session, had that bill arrived at the proper stage for moving additional clauses. One of the two was calculated to exclude the traducer of private character, (who might remain in prison, to avoid the payment of a fine, or of damage adjudged him to pay by a court of law, upon conviction of a libel) from deriving any benefit from the bill; and the other clause was designed to exclude any debtor who could be proved to have squandered away his estate by gambling, or by any improper means, from the same advantage. Lord Rawdon further explained the new modifications of the bill, and at length moved, "That it be read a first time."

It was read a first time, and, on motion, ordered to be printed.

The order of the day for their Lordships to be summoned, having been moved and read,

The Earl of *Selkirk* rose, and moved; "That an entry in their Lordships' Journals of the 14th of March, 1761, respecting the report from the Committee of Privileges thereon, of the 15th of March, 1762, might be read." The Earl of
Selkirk.

[The purport of these entries was a statement, that by a petition to the Crown, referred to the House, Alexander Rutherford claimed, in 1761, the title and honours of Lord Rutherford, and that David Drury did the same; but, upon Alexander Rutherford's agent appearing before the Committee of Privileges, he desired a longer time to prepare the evidence in support of his claim; but David Drury did not appear by his agent. The House, upon the report of the Committee, granted Alexander Rutherford a year's adjournment of his claim; and on his not being able to make it good next year, on the 15th of March, 1762, the House resolved, that Alexander Rutherford and David Drury be forbidden to assume the title and honours of Lord Rutherford, and that they be not allowed to vote at any election of a Peer to represent the Peerage of Scotland, nor any person claiming under their lines.]

The Earl of Selkirk, upon this occasion, contended that it was extremely necessary for their Lordships to support their own resolutions, the violation of which was a manifest breach of privilege. He traced the manner of electing sixteen Peers as representatives of the Peerage of Scotland, from the passing the act of Union to the present times, affirming, that the resolutions of that House had uniformly been considered as binding upon the Lord Register and his deputies and clerks, and that the resolutions formed the only laws of election of the Sixteen Peers of Scotland existing. He then appealed to their Lordships' understanding, whether any resolution could be more pointed or more precise than that of 1762, which had just

just been read, and informed the House, that in the face of that resolution, and in direct defiance of their Lordships' authority, at the late election of a Sixteenth Peer to represent the Peerage of Scotland in that House, lists signed by a person assuming the title of Lord Rutherford, had been sent in and taken as votes by the Lord Register's deputies. The Earl of Selkirk added, that, feeling as a Peer of Parliament, for the honour and dignity of that House, he had remonstrated at the time of the election, and had declared that he would complain to their Lordships of the breach of privilege; in consequence of which he had then given them the trouble of attending; but, he begged to have it clearly understood, that he made the complaint, without any regard to the merit or event of the late election, or with any view to prejudice the noble Lord who had obtained the seat. Had the election been unanimous, and there had been no contest, he should have deemed the taking of lists, signed by a person assuming the name and title of Lord Rutherford, equally a violation of the resolutions of the House, and a breach of privilege. He concluded with moving, "That a complaint having been made, that at the late election of a Peer of Scotland, in the room of the late Earl of Dalhousie, a person assuming the name and title of Lord Rutherford, had been allowed to vote, in defiance of the resolutions of that House, the said complaint be referred to a Committee of Privileges."

The Lord
Chancellor.

The *Lord Chancellor* observed, that he should have felt great satisfaction, if some noble Lord, more conversant with the rules of conducting elections of Scotch Peers to serve in that House than he could pretend to be, would have favoured the House with information upon the subject, beyond that which the noble Earl had communicated, before he had been obliged to come forward. As the motion stood unexplained, and brought upon the House by surprise, he could scarcely collect such thoughts as were fit for him to state to their Lordships, and must be under the necessity of speculating upon the subject, and even hazarding himself to speculate more in danger of error than he otherwise should have been obliged to do. After this exordium, the Chancellor proceeded to point out the sort of facts which, in his opinion, ought to have been ascertained, preparatory to any such motion having been made. The effect, and probably the intended consequence of the present motion, would, he said, be a censure of the Lord Register's deputies, who took the votes at the late election. Before he could bring his mind to adopt a proceeding of that tendency, it was necessary for him to be informed what the nature of the office of the Lord Register's clerks were, respecting the election of a Scotch Peer. Was it a judicial or merely a ministerial office?

fice? Much depended upon that being ascertained. With regard to the resolutions also that had been read, he did not clearly comprehend their meaning. He took them to mean, that neither Alexander Rutherford, nor David Drury, nor any claiming the title of Lord Rutherford under their lineage, were to be allowed to vote till they had made good their claims to their Peerage. But did that extend to all that might spring from another lineage, and be justly entitled to the Peerage? Rutherford he conceived to be a name that might trace a lineage up to antiquity, and there might be a variety of branches. Till the lineages, therefore, were clearly traced and defined, it was impossible for him to know whether the Lord Register's clerks were to blame or not. The Peerage of Scotland was extremely ancient, and therefore it was difficult to say who was or who was not entitled to claim family honours. The Chancellor spoke of the resolution of 1762 as a very strong measure, and observed, that if he had enjoyed the honour of being a Member of that House at the time, nothing should have induced him to have gone that length. He mentioned the case of Lord Borthwick, whose claim to the Peerage their Lordships had at first rejected, as not sufficiently made out, in like manner as they had rejected the claim of Lord Rutherford; and yet, upon a subsequent application, they found that the claimant's title to the honour was actually valid. Did their Lordships, in that case, send word to the Lord Register, or his clerks, that Lord Borthwick had a right to vote? Most certainly they did not: and yet, was there a noble Lord who heard him, that would stand up, and say, the House would not have considered the Lord Register's clerk's refusal to admit the vote of Lord Borthwick at an election of one of the sixteen Peers, who are chosen as representatives of the Peerage of Scotland, subsequent to his claim to his title having been admitted by their Lordships, as a flagrant breach of privilege? The Lord Chancellor contended, that the Lord Register's clerks were not bound for ever by the resolution of the 15th of March, 1762, any more than they were by that in the case of Lord Borthwick. He next came to another view of the question, which, he said, moved him more than any other. The noble Earl who had made the motion, he well knew to be a man of too pure a mind, and too much honour, to cover a sinister purpose, under a disavowal of his intention to affect the merits of the late election by his present motion, or to shake the right of either candidate; but it behoved their Lordships in general to consider that the seat of the noble Lord lately returned might be affected, and that materially, by the event of the measure which the House was then called upon to adopt. He lamented exceedingly, that a limited time for

The decision of any question upon that subject was not fixed, as was the case when undue elections were complained of in another place. Were the merits of the election decided, or had the election been unanimous, he should not then see the objections to the present motion so forcibly; but before the merits of the late election were decided, he must conjure their Lordships not to accede to a motion which might lead to the subversion of justice. He was aware of the cruel condition of the Peerage of Scotland, from the loose manner in which it had long been suffered to remain, and was ready, most heartily, to join with the noble Earl near him, and the other noble Lords, representatives of the Peerage of Scotland, in preparing an act to rescue the Scotch Peerage from its present state, and either by vesting certain powers in the Court of Session; or elsewhere, to put it upon that respectable footing upon which so valuable an ornament of the country ought to stand, whereby nobility of the most ancient and honourable descent might be secured from the danger of being mixed with persons highly unfit to be placed in the same rank. Having pressed this point upon the Earl of Seikirk, whose zeal in the cause, the Lord Chancellor remarked that he well knew, from the frequent conversations with which the noble Earl had honoured him, and which he considered as a very flattering mark of his confidence; he adverted to what he deemed the impropriety of acceding to the present proposition antecedent to a decision of the doubt, whether the return might or might not be questioned; and he referred to the practice of the Court of King's Bench and the other law courts. In those courts, where there was a question of right to try, as well as a criminal charge, it was the general practice to suspend the latter till the former was determined. Thus, when a man was to be indicted for a riot, and that man laid claim to a common, the Court of King's Bench would suspend the trial of the indictment, till after the question of right to the common was decided. At the Old Bailey, also, on a variety of occasions, the same had been done. He mentioned the famous case of Spurry, who was hanged through his own confidence, in proceeding after the Court had told him his trial might be put off, till the question of right had been decided. At that very time there was a trial hung up, while the question of right respecting a will in the Commons remained undecided. [We presume his Lordship meant the case of the Goodridges, respecting the alledged forgery of the will of the late Mr. Salthill.] Having urged this point, he assured the House, that no one noble Lord could be more anxious for the preservation of their privileges than he was; it was his peculiar duty to watch over the dignity and honour of that House; but if any noble

A. 1780.

ble Lord could so perfectly misapprehend the value of preserving and carrying high the dignity of the House, as to imagine the sending, at that season of the year, for men in offices of trust and duty, at four hundred miles distance, to come hither, was the proper way to maintain their dignity, that noble Lord was mistaken. The taking such a step would shew the power of their Lordships; but power was not always dignity. On that consideration, therefore, as well as on the various other grounds which he had stated, he conjured their Lordships to postpone taking any measure of the nature proposed for the present, it being impossible for him to agree to the motion.

Viscount Stormont observed that he had not conceived the least design of troubling the House upon the present occasion, but there were some things so very extraordinary in what had fallen from the noble and learned Lord, that his feelings would not suffer him to sit silent. The noble and learned Lord, it was evident, had not paid that attention to the motion that it deserved, since the chief part of his argument went far beyond it. The present motion was not a motion of censure upon the Lord Register's clerks, but a motion that a complaint, made by a noble Lord in his place, of a gross violation of the resolutions of that House, might be referred to a Committee of Privileges. The noble and learned Lord had treated those resolutions in a style peculiarly new and uncommon. Perhaps the wisdom of the present times greatly exceeded all the wisdom of preceding periods; but till that day, he had never heard the resolution of 1762 spoken of but with reverence and gratitude. Was it recollected who those persons were that took the lead in that House, when the resolutions in question were moved and voted? The late Earl of Hardwicke, and another noble and learned Earl, (Mansfield) whose character and abilities, his near connection with him forbid him to mention, and other men, certainly not altogether strangers to the principles of justice, nor unmindful of the honour and dignity of the House. Viscount Stormont now entered into a short historical detail of the circumstances which, from the union, had led to the resolution of 1762, and said, that when the two resolutions passed, a number of persons assumed the title and privileges of Peers, without having previously established their claims to the honour. In order to put a stop to a practice so indecent and disgraceful to the peerage of Scotland, the noble characters to whom he had alluded moved the resolutions in question, to the infinite satisfaction of all the nobility of Scotland. The noble and learned Lord had stated that he thought the title of Lord Ruthersford might be traced up to antiquity. If the noble and learned Lord had given himself the trouble of looking to the

Viscount
Stormont

Journals but a very few pages before the entry of the resolution of 1762, he would have seen by the petition of the claimant, that he himself stated the creation of the Rutherford peerage to have taken place in 1660 only. The noble and learned Lord had asked, was the office of Lord Register a judicial or ministerial office? There were precedents, of which a noble Earl in his eye (Earl Moreton) might probably have some traditional knowledge, of a Lord Register having taken upon him to reject votes. The Lord Register to whom he alluded, was the former Earl of Moreton, who was a man of undoubted knowledge, ability and judgement, and who in the year 1734, did take upon him to reject several lists. Viscount Stormont contended, that at the late election the lists of the person assuming the title of Lord Rutherford ought in like manner to have been rejected. The noble and learned Lord had made an offer of his services to the Scotch peerage, and had suggested ideas and projects of reform. He hoped that the noble and learned Lord would spare them the intended favour, and not visit them with his *quo Varrantos* of inquiry into their titles. There had been instances, as in the case of Alexander Rutherford and David Drumy, of persons claiming at once the same peerage, and assuming the title. In England no man could become a Lord merely from assuming the title. Viscount Stormont maintained that the conduct of the Lord Register's deputies in admitting the lists signed Lord Rutherford, had rendered them guilty of a breach of privilege in defiance of the resolutions of that House. He declared that nothing but conviction could induce him to argue in this manner; since he had last year sufficiently proved that his mind was not to be warped by his having argued upon a question, then agitated, concerning the rights of peers of Scotland, directly against the future interests of his own son; and on this occasion, if he were to follow his wishes, and not his conscientious opinion, every noble Lord might know to which side he should incline.

Lord
Cathcart.

Lord Cathcart apologized for rising to address the House almost as soon as he had enjoyed the honour of forming a part of their Assembly, but being so nearly concerned in the question before them, he conceived it would be expected that he should say something upon the subject. His Lordship then entered into a circumstantial detail of the origin, nature and progress of the rules of proceeding which govern the election of a Peer of Scotland to sit in Parliament; referring to the statute of Queen Anne, which first enacted the regulations, and tracing the various authorities which had been since established; from all which he inferred, that the office of Lord Register was a ministerial, and not a judicial office, as far as respected the election of Scotch Peers. He spoke highly

highly of the gentlemen, who act at present as deputies of the Lord Register, and said, he owed them that justice. With regard to Lord Rutherford, who had done him the honour to send him his lists, he would inform the House what he knew of his family, and the ground of his claim to the peerage. The first Lord Rutherford was a cadet in the army, and was created a Peer by Charles the second, as a reward for a distinguished service. As he was meant to be highly favoured, his patent of peerage gave him the very singular right of disposing of his peerage by will. He made his will accordingly at Portsmouth, previous to his sailing on an expedition against Tangiers, where he and his whole party were cut off. He was succeeded in title by Sir Thomas Rutherford, his relation, who was succeeded, at his death, by his next brother, and that brother, by a third. The title has long lain dormant; but as the will of the first Lord Rutherford contained a condition, that if the estate should be all spent, when any one of the male line died, the title should, in that case, go to the descendants of the female line; and the present claimant, he understood, was a descendant from the line of the sister of the first Lord Rutherford.

The Marquis of *Stafford* supported that part of the Lord Chancellor's argument in which the latter had stated, that it was not the proper time to agitate the subject. He added that if there had not been any contest, and the election had proved unanimous, the case would have carried with it an entirely different complexion; but that according to the practice of the courts below, the criminal matter should not be gone into, till after the decision of the question of right. Being the highest judicial court in the kingdom, the Court of *Dernier Appeal*, it behoved their Lordships not to run counter to the practice of the lower courts of law, but to set them an example of the strictest justice.

Lord *Loughborough* contended that it by no means could either affect the merits of the election, or interfere with any question which might be brought forward by petition or otherwise, touching the right of the noble Lord near him to hold his seat. With regard to the Lord Register's clerk or deputy, he clearly was a ministerial officer, bound to act under the authority of the House, and to obey its resolutions, and it was for his not having obeyed them that the present motion was urged. Would it be argued that the Lord Register's deputy was to be deemed to wholly ministerial, as not to be able to know the effect of a resolution which had been sent to him? Could any man so fluster himself as to pretend an ignorance of what it was his duty to do in his ministerial capacity? The idea was too preposterous to be entertained a moment. If such an ignorance of duty were admitted to be pleaded in the pre-

Marquis
of Stafford.

Lord
Lough-
borough.

sent instance, to what an extent might it not be pushed? If one person could assume the title of Lord Rutherford, and on that self-given authority alone be admitted to vote at an election of a Scotch Peer, another might assume that of Lord Wigtown, or any other title, and so vote in like manner, and thus might ten or twenty, or any given number, presume to give their suffrages. Peers might sign cross bills, the noble Lords near him (Somerset and Linnaid) might exchange and vote both ways, so that the real, constitutional right of the Peerage of Scotland to vote for their own representatives would be lost and lost at once in the vortex of abuse. Lord Loughborough called upon the House to consider what the present motion was. Not a motion for censure, but a motion to lodge a complaint in a Committee of Privileges. If the Committee found that their inquiry would lead to matters affecting the merits of the recent election, they might suspend their proceeding, and take no farther step till the merits of the election were decided upon. But their Lordships could not, as gentlemen and men of honour, refuse to entertain the motion. What would it be but saying to the world, let any Scotch Peer procure but a return, and he will find a friend in the House to defend it. That would be to resort to the very practices which had so scandalously disgraced the House of Commons, and that would be the cause of the power of deciding controverted election being taken out of their hands. Antecedent to that day he had been in the habit of entertaining a sincere respect for the noble Lord near him (Lord Cathcart) and the very candid and able manner in which the noble Lord had just stated to their Lordships what he knew concerning the person who claimed to be Lord Rutherford, induced him still more to wish that he might hold his seat, but from what the noble Lord had said of the descent of the claimant, it was evident he came directly within the words of the resolution of 1762, for his descent must be under David Drury. He expressed his astonishment that the resolutions which had been read to the House, should have been talked of in a manner in which the noble and learned Lord treated them, for until that day, though he had often heard them canvassed in conversation, he never once heard them mentioned without a strong expression of gratitude and of respect. With regard to the House not having sent notice of their having admitted Lord Northwick to his honours, to the Lord Register or his deputy, the reason was obvious. The transaction was a matter of that sort of notoriety which every man connected or concerned with Parliament was supposed to know, and the circumstance of Lord Northwick's vote having never been refused by the Lord Register's deputy, after he was admitted to the peerage which he claimed, was a strong proof that the

Lord

Lord Register's deputy stood without excuse in respect to the breach of privilege complained of that day. Lord Loughborough touched upon the history of the resolutions, and instanced several illustrative facts which had occurred at the different periods since the passing of the act of union, deducing from the whole that nothing could be more clear, than that the resolutions ought not to have been violated, and that their violation was a plain, palpable breach of privilege, and therefore, as gentlemen and men of honour, their Lordships could not refuse to refer the complaint to a Committee, and if they did, they would lend their sanction to an abuse of office that would have disgraced the returning officer of a borough, the right of election, to represent which, lay with the most paltry pot-walloppers in the kingdom.

Earl Stanhope expressed a great respect for every motion which could come from his noble friend (the Earl of Selkirk) but said, he must vote against the present motion on this plain principle,—It was grounded on the idea that the resolution that had been read, which was a limited resolution, ought to have the authority and effect of a general resolution. His Lordship explained this idea more at length, and thence took notice of the manner in which Lord Stormont had replied to that part of the Lord Chancellor's argument, in which the latter had offered his assistance to the Peers of Scotland in framing a bill to rescue the Peerage of that part of the kingdom from the abuses to which they were liable. The offer, Lord Stanhope said, was candid in the extreme, on the part of the noble and learned Lord, and merited a better return than reproach from the noble Viscount. The abuses, as the noble Viscount had himself stated, were so scandalous, and so flagrant, that two persons could at that time assume the title of the same Peer, and vote as such; and yet the noble Viscount had talked of ideas and projects of reform with a sort of disdain highly indecent and disrespectful, in his opinion.

Earl
Stanhope.

Viscount Stormont begged leave to observe that the brilliant eloquence of the noble Earl, which always so highly entertained his audience, and enflamed his own mind, had, on the present occasion, carried him a little too far.—He had not treated the noble and learned Lord on the woolsack with disrespect, although the noble and learned Lord's extraordinary manner of treating the resolutions framed by characters to whom he had ever looked up with reverence, had, perhaps, excited him to express himself rather warmly; and the more especially, when he recollected, as his noble and learned friend near him had truly stated, that those resolutions had never before been mentioned in his hearing but with gratitude and respect. With regard to the manner in which

Viscount
Stormont.

which he had spoken of the noble and learned Lord's ideas of reform and projects of reform, surely that was not uncandid in him, whom some Lords present must know to have been a labourer in the same vineyard with the noble Earl who had made the motion then under discussion, in framing and preparing a bill, with a view to put the Peerage of Scotland on a more respectable footing. He conceived one aim of the project of the noble and learned Lord upon the woolsack to be, to send the Scotch Peers to the Court of Session to have their titles inquired into; and although he had not a doubt but that his could stand the fiery trial, he did not wish for the adoption of such a measure.

Lord
Barnard
said

Lord *Hawlesbury* having previously declared that he would lay out of the case entirely all allusion to the resolution of 1762 and to those who framed them, and solely advert to what appeared to him to relate to the question, which, as his noble and learned friend (Lord Loughborough) had said, lay in a very narrow compass; added that he was of opinion that the complaint now stated by a noble Earl in his place, ought to be, and must be, attended to; but he conceived that the present was by no means the proper time for going into it. He had listened, with great attention, to his noble and learned friend, to hear what he would say in reply to that part of the speech of the noble and learned Lord upon the woolsack, relative to the practice of the Court of King's Bench, to suspend the trial of a criminal prosecution where a question of right was connected with it, till the latter was tried and disposed of, and he had not heard one word from his noble and learned friend upon that point. The noble and learned Lord had sat long with him in the House of Commons, where the noble and learned Lord well knew that a complaint against a returning officer was never gone into before the merits of a contested election were decided, or the fourth or fifth day, according to the rule of the House of Commons, for the candidate who lost the return, to present a petition, complaining of a false return, or an undue election, were expired. In common, all complaints against returning officers were referred to the same Committee who were chosen to inquire into the merits of the election. Upon that principle it was, that he was clearly of opinion the present motion was premature, and therefore he would either endeavour to dissolve it by moving the previous question, or in any other way of postponement that the House would allow.

Lord *Loughborough* averred that the noble Lord had drawn an argument from his silence on a point, to which he thought it unnecessary to reply, as it did not appear to him proper to take up that Lord's time with stating instan-

ces of the practice of the Courts of Law, in a case that concerned their own honour solely. With regard to the custom of suspending the trial of a criminal prosecution, till the question of right connected with it was decided, the contrary practice obtained almost every day. He remembered the case of a prosecution for a riot, where the defendant claimed a right to a common; the former trial went on at the same time that the question of right was trying. With respect to the usage of the House of Commons in regard to election petitions, the noble Lord's recollection fell short. It was common to take a complaint against a returning officer into consideration before the merits of the election itself were at all gone into. This was done a few years since in the case of the Coventry election, and it had often been the mode of proceeding adopted. The noble Lord, therefore, was not correct in stating, that complaints against returning officers were always left unenquired into, till the merits of the election itself were decided.

Lord *Hawkesbury* replied that, upon this occasion, he felt it necessary to remind the House that he did not remark that complaints against returning officers had, in no case, been heard before the merits of the election itself were enquired into, but that complaints of that nature were either referred to the said Committee, together with the petition complaining of an undue election, or not heard before the fourteen days, allowed the parties to present a petition in, were expired.

Lord
Hawkes-
bury.

The Earl of *Hopetoun* declared, that, from the turn of most of the arguments which had been urged against the motion, he thought that his recollection had failed him, and that it was a motion for an immediate censure of the deputy or clerks of the Lord Register. He likewise contended, that the House could not, consistently with a regard to their own dignity, and the authority of their own resolutions, refuse to adopt the motion, particularly observing, that it struck him as extraordinary that such arguments, as had been urged against the motion, should have come from so old a Member as the noble Lord upon the woolsack.

Earl of
Hopetoun.

Their Lordships divided upon the main question;

Contents 20, Non Contents 29.

The House adjourned.

No material debate took place in the House, from the 5th, until

Tuesday, 12th February.

When Lord Kinnaird presented a petition in behalf of the Earl of Dumfries, complaining of the undue election of Lord Cathcart; praying also, that he might, by his counsel, be

be

be heard at the bar of the House of Lords, on the 10th of March.

Lord
Cathcart

Lord *Cathcart* observed that he could not avoid yielding to the necessity which he felt himself under of troubling the House with some remarks upon the subject of the petition presented by the noble Lord. The complaint against the Clerks of Session, undoubtedly, proved that they were, by his opponent, considered as acting in a judicial capacity; but he trusted that the contrary would appear to be the fact. Having the honour to be returned, he could have no cause of complaint until the present moment; but the Earl of Dumfries having objected to the legality of Lord Rutherford's vote, he had a similar reason for calling in question the validity of the vote of Lord Colville. It was true the latter gentleman had voted at the two preceding elections, but in so guarded a manner, that it was not an object to either of the candidates to inspect his right. The case was different in the present election.—He had therefore protested against it, and immediately informed the Earl of Dumfries of his having adopted this measure. It was late, last night, before he was given to understand the petition would be presented this day, since which period he had used every means in his power to obtain information how to act on their Lordships' journals. There was no precedents which tallied with the present case. He was ready to adopt any mode their Lordships should dictate. If a petition was necessary, he had one, in his pocket, ready to present.

Lord
Chancellor.

The *Lord Chancellor* observed that the petition from the noble Lord had better be presented, and that Lord Colville should attend to justify his claim on the day named, when the whole circumstances would be before their Lordships. The gentleman clearly ought to have time to defend his claim—the House of Commons certainly did not send notice, in cases of contested elections, to doubted voters. Those who came under that prescription before their Lordships, were entitled to a different conduct.

Viscount
Stormont.

Viscount Stormont conceived that the two gentlemen whose votes were objected to, stood in very different situations; against the vote of Lord Rutherford, there was an order on their Lordships' Journals to prevent its being given, and that was a distinct matter from the merits of the election, which might afterwards be investigated.

It was, at length, agreed to postpone the investigation of this matter to a future day.

The House adjourned; and did not enter into any material debate, until

Monday,

Monday, 18th February.

When the order of the day being read for the House to be put into a Committee on the Scotch distillery bill, the Lord Chancellor left the woolfack, and the Chairman went to the table, Viscount *Stormont* remarked that he could not avoid considering the distillery bill as a gross and unwarrantable breach of national faith. He went over the ground of the arguments which had been urged against the bill in the House of Commons; and contended, that the bill of 1786 was a solemn compact with the distillers of Scotland, containing certain conditions, which ought in justice to be fully complied with on the part of the Legislature. He laid it down as the most material of these conditions, that the Scotch distillers were to be admitted to the English market, on paying a duty by licences, and a certain ratio of duty upon the importation. That was, he maintained, the principal part of the contract, and for that advantage the Scotch distillers had been obliged to pay a compensation. To deprive them, therefore, of the benefit of admission to the English market before the bill expired, and yet to hold them to their licences, was to deprive them of a matter fairly purchased, and, at the same time, to retain the purchase money. Another matter upon which he felt it necessary to lay particular stress was the peculiar period of the year when the authority of the Legislature was to be exercised to break their own contract. If, at the expiration of the first year, the Government had thought it wise to alter the conditions of a subsisting Act of Parliament, there would have been something like fairness in so doing, but to alter it at that period, within four months of the expiration of the Act, was to act delusively by the Scotch Distillers, to have encouraged them to have tilled their lands, and sown their crops, and when the hour of harvest was at hand, to say to them, "We encouraged you to put your seed in the ground, to have gone to all the expence of cultivating and raising a crop; but, now, the time approaches for your obtaining a due reward for your pains, you shall not reap what you have sown." To act in that manner, was to exercise power and authority, but it was not to do justice.

Viscount
Stormont.

Lord *Hawkebury*, on the contrary, contended that the principal object of the bill of 1786, had been to enable the Distillers of Scotland to supply their own market with spirits on specific terms, with regard to duty. The present bill did not, in the smallest degree, affect that object, but left it precisely where it was placed by the bill of 1786. The present bill was, absolutely, necessary for the correction of an evil of very considerable magnitude. When the bill of 1786 was in agitation, it had been asserted by the Scotch Distillers, that

Lord
Hawke-
bury.

they could not work their stills oftener than once a day, whereas it had since been proved, that they worked them upon an average four times a day, and by such means were enabled to import very considerable quantities of spirits into England, to the enormous loss of the revenue in respect to duty, and to the great injury of the English Distiller, whom, by means of the difference of duty, they had it in their power greatly to undersel. Ought, therefore, the Legislature to suffer such an evil to continue, and was the breach of national faith in altering a bill in one point only, and that not the avowed object of it when it originally passed? That the Legislature had a right to alter any bill, must be on all hands admitted. Supposing the bill had passed without limitation in respect to the period of its existence, would any noble Lord contend, that upon the discovery of its impolicy, in any important particular, the Legislature was not warranted to alter it? If that were true, and no noble Lord could deny it, surely the Legislature was equally warranted to alter a bill passed for a limited duration, whether it was limited to one year, or two years, or to four years.

Viscount
Stormont.

Lord Viscount Stormont begged leave to observe that, upon the present occasion, that he had been misunderstood, which he was not a little surprised at, when he considered the noble Lord's usually accuracy and knowledge, particularly in matters of the sort then under discussion. He had not at all argued against the bill generally, but against it as a breach of a most material condition of a contract made with the distillers of Scotland, and sanctioned by an Act of Parliament. He disputed not the power of Parliament, but was appealing to its justice. Had the Legislature, at the expiration of the first year of the existence of the bill of 1786, thought proper to repeal it, there would not, in his opinion, have been so much cause for complaint; but, on suffering it to continue till then, they had misled the Scotch distillers, induced them to adventure largely, and just when they were within view of reaping the profits of their adventure the Legislature stepped forth with its authority, and prevented them. Such a procedure was, manifestly, unjust; and he desired to know if one of the Scotch distillers had asked any noble Lord, at the beginning of the second year, whether the Legislature, having permitted the bill to exist so long, were likely to repeal it before the limited period of its duration, the natural answer would not have been, that the Legislature could not possibly be guilty of so much injustice? The being obliged to take out licences was sufficiently burthen some to the Scotch distillers, and therefore, as the condition of their submitting to that burthen was their being admitted to a participation of the English market, the latter benefit ought not to be taken away,

A. 1788.

away, without, at the same time giving the Scotch distillers an adequate compensation.

The Lord Chancellor remarked, that the question stated by the noble Viscount had never been put to him, but had he been so questioned by a Scotch distiller respecting the probability of the Legislature's repealing the bill of 1786, his answer would have been somewhat to the following purport: "You are more likely to know how probable the circumstance is than I am. If you are conscious that you overreached the Legislature when the bill of 1786 passed, and that it was obtained by gross misrepresentation, I should think it highly probable the Legislature will repeal it, as soon as the deception is discovered; but if, on the other hand, you did not over-reach the Houses of Parliament, and practised no misrepresentation, in all probability the bill will not be repealed before the limited period of its duration expires." With regard to the making a compensation to the parties to be affected by the bill, such an idea had never been entertained by the Legislature on any such occasion. There had not a bill passed, imposing a tax on any one manufacture under the canopy of Heaven, that had not more or less affected the individual manufacturers, because such a tax must necessarily have its effect on the market, and make the stocks in hand more valuable.

The Earl of *Hopetoun* speaking in favour of the Scotch distillers, gave an historical detail of the origin of the bill of 1786, reciting all the various circumstances that had taken place at different times relative to the distillery of Scotland. He stated, that the bill of 1786 originated in an application from the London distillers, and not, as might be supposed, from the turn of the arguments in favour of the present bill, at the instance of the Scotch distillers. It was an extraordinary mode of reasoning to contend, that because Scotland was not so near the sun as the counties of England, because the acres of the former were cold, and the grain they produced poorer, that therefore they ought to be more heavily taxed. With regard to its having been understood that the stills of Scotland could only work once a day, there was not a word of any such matter stated in the bill of 1786. In fact, the bargain of that year had been made with the eyes of the English distiller open, and it was not the fault of the distillers of Scotland, if it were liable to any charge on the ground of inequality. His Lordship mentioned the practice of fetching away the grain of one part of the kingdom and importing it into the other; and was about to conclude with moving for some accounts, until he received information from the Lord Chancellor, that he could not move for them while the House were in a Committee.

Viscount Stormont.

The question was put, and carried.

Viscount Stormont moved a clause to enable the Scotch distillers, either to bring their spirits into the English market upon the same duty as was paid by the English distillers, or to be absolved from their licences. He took occasion to answer what the Lord Chancellor had said, relative to its not having ever been thought of by the Legislature to make a compensation to parties, on whose manufacture or business a tax was imposed, and observed that he well knew it was the duty of the Legislature to alter any existing laws which they might consider as impolitic, but what he had contended for was, that when a mode of duty became imposed, and accompanied by certain conditions, it was unjust to alter those conditions, without making an adequate compensation to the party, who was still to continue to pay the duty according to the mode prescribed. As to his proposed clause, he declared that it appeared to him to be so perfectly consistent with justice, that he did not see how it could be resisted.

The Committee divided, Contents 10, Not Contents 24.

Duke of Norfolk.

The Duke of Norfolk wished, as the Scotch distillers, by a clause annexed to the Bill were exempted from the payment of the additional sixpence duty on all Scotch spirits shipped before the 1st of February, that the English distillers might have an equal advantage in respect to all spirits contracted for before the first of February, to be delivered by them hereafter. His Grace explained himself by stating, that if before the first of February the English distillers had contracted to deliver any given number of gallons of Spirit, at a subsequent period, at the then usual price, the English distillers would be damaged in the proportion of the additional sixpence per gallon laid on Scotch Spirits.

The Lord Chancellor.

The Lord Chancellor answered that could only be the case, if it were established, that the English distiller must purchase Scotch Spirits to deliver in virtue of this contract, which was far from the fact.

At length the Bill went through the Committee.

The House adjourned.

Monday, 20th February.

The order for the House to be summoned, having been called.

Lord Rieupey.

Lord Rieupey introduced his promised motion in regard to the navy, with some preliminary observations on the late advancement of Captains to ships, by which several whom he described as officers of indisputable merit had been passed by. This neglect, he contended, militated against the established practice in the service, and stood without a precedent. He said, it was not his intention to impute improper motives to any

any person, whatsoever, to stand forward in any particular quarter. He had therefore framed his motion so, that he hoped it would be found perfectly inoffensive and unobjectionable. The subject of it was, beyond adoubt, of the utmost importance to the naval service of this country; and when he examined the list, and saw how many brave and deserving officers had been overlooked in that promotion, he felt himself called upon to stand forward as their advocate, and he trusted that their Lordships would give their support to the motion which he should have the honour to propose, particularly as it did not point at any particular mode of redress, but left it totally to the wisdom of His Majesty to grant such relief as the exigency of the case might appear to him to demand.

Notwithstanding that he lamented the situation of those officers, yet he confessed that he was too much alarmed at the danger of the precedent to suffer it to pass without animadversion; for did it not put the patronage of the whole navy into the hands of a Minister? a patronage which a bad Minister might convert to the purposes of parliamentary corruption, and the most undue influence. He did not doubt but that the officers who had the good fortune, on a late occasion, to become the objects of favour, were amply deserving of their honours; but they were not more so than those who had been superseded. Were such the rewards which this nation set forth to the veterans who bled in its defence, and by whose exertions every noble Peer in that House slept secure in his possessions? Under such circumstances, their country had no claim to their future services; for, what had they to expect? Perhaps to have a boy, who had never seen a shot fired, put over their heads, as the caprice of a Minister might dictate. But, the Board of Admiralty seemed to be conscious that they had done an injury to those men who had been superseded, and, as some compensation, had offered every one of them the half pay of a Rear Admiral. It could not therefore be on the score of economy that they had been overlooked.

Lord Rawdon now moved, "That, an humble address be presented to His Majesty, praying that he would be graciously pleased to take into his royal consideration the services of such Captains of his Majesty's navy, as were passed over at the last promotion of Admirals."

Vitcount Howe, rising next, entered into a statement of the different rules of proceeding which had governed the Board of Admiralty in the promotion of the Flag, for many years past, marking the periods, when any new rule obtained, and producing the orders of Council and various documents of authority, by which each particular alteration had been warranted. He contended that it was inherent to the First Lord of

of the Admiralty to be responsible for the good conduct and well-being of the service; and with the responsibility, he must necessarily be entitled to exercise his own judgement and discretion in every branch of the executive duty of the Admiralty Board; and, therefore, it was incumbent on every man standing in a situation exactly similar to his own, to be careful in the promotion of officers, and more especially in the promotion of Captains to flags. He was bound to consult the good of the service only, and to ask his judgement which was the most proper and best qualified officer to command a fleet. It was painful for him, undoubtedly, in the exercise of his discretion, to set officers aside; nor could he in a public assembly state the particular reasons which operated on his judgement in the late promotion of Captains to the rank of Admirals. It would prove invidious in him to explain them, as it would be cruel in the House to desire him to make such a declaration. He had acted to the best of his judgement, and with the strictest impartiality. The noble Lord had expressly said, that he introduced his motion with no intention to make a charge. He was nevertheless obliged to the noble Lord for having agitated the subject, as there was no part of his conduct which he wished to escape investigation and discussion. With regard to the reasons which might direct the judgement of a First Lord of the Admiralty to pass over any number of Captains in a promotion to flags, the House would have the goodness to recollect that there might be several. Those who were likely to be entrusted with the care of our fleets, ought to be men not only of firm minds; but possess'd of bodily strength, to enable them to endure the fatigues of the hard service they might have to sustain. Officers who had served ably and meritoriously all their lives might not appear to the judgement of a First Lord of the Admiralty to be fit to be entrusted with the care of a fleet, when the period of promotion to flags arrived. Their bodily strength might not be equal to the necessary severity of duty. Other reasons might also be assigned. That Officer who had displayed great bravery in the command of a ship, might not be qualified to command a fleet. Various reasons must offer themselves to every noble Lord's mind in proof of that position. The noble Lord who brought the motion forward, knew that, in the army, the same observation applied. A serjeant of grenadiers, though an able and excellent soldier, might not be qualified to command a body of troops on a forlorn hope. These, and other considerations, had necessarily operated on his judgement in the late promotion. If the House thought proper to take upon themselves the promotion of military Officers, he should feel himself eased of the greatest cause of anxiety in his situation, and of course, escape from the painful responsibility of office.

office. But, he could not so far forget his duty to his country, as to desire their Lordships to ease him of a responsibility, which could not, by any means, so well rest as where it did. He assured their Lordships, that patronage was not so desirable as it might be imagined. Whenever a vacancy in the appointments in his nomination happened, there were always twenty candidates for it, at the least. He was sure therefore to disappoint nineteen, and was not always certain of pleasing the twentieth. After expatiating on the inconveniencies to which the much-envied patronage of office exposed those who filled offices, Viscount Howe proceeded to reply to some observations of Lord Rawdon with respect to the non-existence of a necessity for passing by the officers in whose behalf he had brought forward the motion, since, if they had received their rank, and been made Admirals, it did not follow that they must afterwards have been employed. He contended that, in making a promotion of Captains to flags, those officers who appeared, in his judgement, to be the best able, from vigour of body as well as professional skill, to serve their country most effectually, had been promoted. Had the officers who were passed over, enjoyed their rank, and not been called into service, they must have gone through the superior degrees of promotion, that of Vice Admiral, and of Admiral, before the officers from whose service the country were to derive advantage; and thus the officers who did not serve, would have stood in the way of those who did serve. He appealed to the House whether such a circumstance would have been fair or warrantable? He stated to the House the existence of an establishment planned by a wise Board of Admiralty in 1747, for the maintenance and support of such Officers as were passed by in a promotion of Captains to flags, and, *this* was the first (as it was commonly called) of *yellow Admirals*. In order to make a suitable provision for Captains not promoted to flags, and to enable them to spend the latter years of their existence in ease and retirement, that list was established, and all upon it received 300*l.* a year. If the superannuation pay appeared too small, let it be increased. That House would then consider, that the patronage of the First Lord of the Admiralty would be increased in the same proportion, and he had still more to give away than he could well dispose of already. Having spoken concerning the nature of naval promotions, and their necessary principle, the good of the service, he added that every man was liable to error. He did not presume to be more clear from it than others. If in the late promotion of Captains to flags, he had been guilty of error, let the error be stated and shewn, and he should not feel himself ashamed to acknowledge that he had erred. So far from considering the confession of his mistakes as a disgrace, he

he should think that he returned from the House a better man than he came into it. That the half pay of a Rear Admiral had been offered to those officers who were superseded, was certainly, true; but, it was upon no other ground than as a compensation for past services; nor did such a measure need the countenance of a precedent. One, indeed, of this nature took place when a late gallant and noble Lord (Hawke) sat at the head of the Admiralty department.

Lord
Hawke.

Lord *Hawke* observed, that though not accustomed to deliver his sentiments in public, he thought it incumbent on him to defend the measure of his noble relation, to which the noble Viscount had alluded. He denied that it was a precedent in point, because that promotion had taken place with the approbation and sanction of Parliament. He reprobated that system of naval distinction which overlooked the veteran officers in order to get at the man who had the chance of being the longest liver. It was a system which every man, who had, at heart, the honour of the service, must view with indignation. He would, therefore, give the motion his most cordial support.

Earl of
Sandwich.

The Earl of *Sandwich* remarked that it was generally thought most wise, when a subject was under discussion respecting the discretion of an official situation, for those who had formerly filled it not to interfere or meddle in the debate; but as he held it to be the duty of every Peer, who conceived himself informed respecting the matter in consideration before the House, not to remain silent, he would intrude upon their Lordships with some natural observations. He had lived all his life among naval officers, and they were a body of men for whom he should, as long as he lived, entertain the greatest veneration and respect; but, although he wished them extremely well, and thought them eminently entitled to every favour and indulgence from Parliament and their country, he could not refrain from giving his reasons for differing in opinion from the noble Lord who had brought forward the Motion. He thought it extremely improper for that House to interfere with the executive Government. They had much better leave it to itself, and those noble Lords who would advise the House to accede to the present proposition, he was persuaded, were not aware of the infinite mischiefs which might ensue. The Parliament of Great Britain stood high in the opinion of all Europe; it had acquired abundant credit from the propriety of its proceedings, from confining itself to its proper province, and from not assuming offices and functions which did not belong to it; but leaving them where the Constitution had wisely placed them, in the hands of the several departments of the executive Government. Let their Lordships for a moment consider the embarrassments which must be

be felt, if promotions of Admirals were to be made by the House of Lords. The idea was revolting and monstrous in the extreme. A want of knowledge of the qualifications of the different candidates, would present itself in the first instance, and ultimately lead to the destruction of the service. The influence used to obtain promotion would be at once most absurd, and most ridiculous. If the House of Lords took upon themselves a promotion of Admirals, one Lord would rise in *this* place and say, "Pray, don't pass over my brother, make him an Admiral!" another would start up in *that* place and intercede for his relation. Nor would applications be confined within those walls; each noble Lord would be pestered at home to intercede for different Captains; nay, even the Ladies (and the House well knew the irresistible fascination of female influence!) would catch hold of a Peer's hand, clasp it with ardour, and say, "My dear Lord, pray get my son made an Admiral!" It was impossible to state the variety of ill consequences that would result from a promotion of Admirals by the House of Lords, without placing them in a ridiculous point of view. If Parliament must go out of its way, and take military promotion into their hands, he really thought it would be better for the House of Commons to have the promotion of Admirals in their hands, than the House of Lords. The House of Commons would, no doubt, receive numberless petitions from the different Boroughs represented, and their constituents would send them up instructions who was fit to be voted for. But, ridicule apart, he felt it his duty to conjure the House to let military promotions remain, where only they could be made with judgement and propriety, in the hands of the executive Government. Let Parliament place a due confidence in the first Lord of the Admiralty, and suffer him to exercise the discretion that belonged to his situation, unmolested by their interference! The responsibility lay with that Officer and the Board; and there the discretion ought to rest likewise. Whenever a complaint was formally made of breach of trust, or improper conduct in any responsible Member of Administration, the House had a right to institute an inquiry, and upon sufficient proof of the facts alleged, to address His Majesty to remove the Minister for misconducting himself. *That* was the constitutional power of Parliament, and one of its most important and salutary privileges, but, it was widely distinct from that or the other House, taking upon themselves to exercise the functions of the executive Government. For his own part, he would not enter into any discussion of the late promotion of Captains to flags, because he did not think that House the

proper place for such a discussion, but, having himself had a share in forming the establishment which, in vulgar words, was termed the list of *Yellow Admirals*, but the true name of which was the *Superannuated List*, he would state to the House the origin of the establishment. It had been found at different periods extremely inconvenient and detrimental to the service, that promotions to flags should be governed by seniority. In the year forty-seven, a promotion to flags was necessary, and those then at the Board well knew that there were on the list of Captains several officers in a superior degree qualified to command fleets; but, the difficulty was how to come at them without loading the Public with an amazing and intolerable expence. In concert, therefore, with two noble Lords, for whose memory the country ought to unite with him in entertaining the most grateful respect, the *Superannuated List* had been formed. The noble persons to whom he alluded, were, the one a Land, the other a naval character, both men of acknowledged judgement, ability, and zeal for their country. He meant the late Duke of Bedford, and the late Lord Anson. With them he had taken his share in planning the *Superannuated List*, and he had been the person in whose hands it had principally been brought to bear. The object of it was to provide an income for such Captains, as in a promotion to flags, the Board of Admiralty did not appoint Admirals, not meaning to call them out into farther service. At the time of instituting the establishment, the object was to make eight Admirals only, and in order to that, ~~nineteen~~ Captains were passed over, and yet, there was no complaint then, no motion before that House to address His Majesty on the subject, nor any idea of injustice or partiality entertained. The establishment of the *Superannuated List* had been originally received with universal applause, and generally considered as a humane and benevolent institution. He held in his hand the Memorial of the Board of Admiralty, suggesting the original scheme of the establishment to His Majesty, and the original Order of Council made in consequence, both of which his Lordship read to prove, that the establishment had been professedly made in favour of meritorious officers, and those who had behaved well in the service. This circumstance, consequently, established the plea, that those Captains who were put upon it were not stigmatised, as a noble Lord (Rawdon) had contended, nor in any degree disgraced; but, that it was an honourable retreat from service. The income amounted to 320*l.* per year; and surely it was a comfortable provision for officers who had been buffeting the waves till their vigour was in a great degree exhausted. Having dilated on the origin of the establishment, and affirmed that it was not disgraceful, he took notice of several observations made by

Lord

Lord Rowdon, and, first, of his having declared, that the late promotion to flags was contrary to the practice of the service. The reverse, he asserted, was the fact ever since the institution of the Superannuated L^d, the practice had uniformly been to pass by some Captains, and promote others. If a contrary practice had prevailed, and the single claim of seniority been adhered to, the service must have been extremely injured, from the command of our fleets falling into very unfit hands. The noble Lord had also stated, that the late promotion had been altogether without a precedent. No such thing. There were a great number of precedents for it. There had been precedents for it while Lord Anson presided at the Admiralty Board; precedents while Lord Hawke sat there, and many precedents while he had himself had the honour to be First Lord of the Admiralty. In short, there was scarcely a precedent to the contrary. The Earl of Sandwich reasoned upon these facts, and then recurred to his main argument, that it would be in the highest degree improper and unwise for that House to interfere with military promotions. He said, better officers than the new Admirals had never been put upon the list of flags; and there might be among those Captains passed by some good officers found; but, if once the House travelled out of its province, and addressed the Crown in favour of one officer, they would be repeatedly troubled with applications in favour of other officers, and their talk would be endless. Besides, what did the present motion mean? It desired His Majesty to take the case of the officers in whose behalf the motion was made, into his consideration. That had been done already, since, he had no doubt, the noble Viscount at the Head of the Admiralty knew his duty too well, not to have consulted his Majesty, and stated his reasons before the promotions were decided. That line of conduct he had ever pursued, for the many years that he had the honour to sit at the Admiralty Board, and he had no doubt the noble Viscount had done the same. [Lord Howe nodded assent.] Was it His Majesty's better consideration of the case of the officers that was desired by the motion? If so, let their Lordships consider, for a moment, the gross impropriety of their interfering with the Prerogative in a case of that nature. If they did it in one instance, they would be called on to do it in another, and what infinitely mischievous consequences might not such an unwite confusion of the distinct functions of the distinct branches of the Legislature lead to? With regard to the noble Viscount's reasons for having passed over some Captains, undoubtedly it must have been painful for him, a professional man, to have considered it as his duty so to regulate the promotion. No First Lord of the Admiralty, who had any feeling, had made a select promotion of officers

to flags, without being impressed with sensations extremely painful; but, whatever had been the reasons by which either the noble Viscount, or any former Lord of the Admiralty had been governed, it would prove in the highest degree improper publicly to state the motion. It was not in human nature for any man to think himself insufficient; and, undoubtedly, one officer believed himself to be as fit for an Admiral as another. Would it, therefore, be humane, or even justifiable, for a First Lord of the Admiralty to single out and characterize what he held to be such disqualifications, as rendered it incompatible with the good of the service for such and such Captains to be promoted to flags? In conclusion, the Earl of Sandwich observed that he was aware that it might be deemed improper in him to have taken any part in the debate; but when he considered the respectable quarter from which the motion came, and found that the noble Lord had not examined it with his usual powers of investigation, he could not help rising and troubling the House with the reasons which would impel him to give the motion his decided negative.

Lord
Rawdon.

Lord Rawdon lamented that by some singular fatality the noble Earl had totally mistaken him throughout his speech, since most of the sentiments expressed by the noble Earl were such as he was so far from objecting to, that he most fully concurred in them. The noble Earl and he differed in one *little* particular; and this was, the application of the motion, which, he must contend, was not, in any degree, that which the noble Earl had argued it to be. The motion did not desire the House to interfere with the Prerogative, and assume and exercise the function of military promotion. Had it been of that tendency, it would have proved (he was ready to admit) highly indecent and improper. It only desired His Majesty to take the case of several meritorious and able officers into his royal consideration, upon the presumption, that, in the late promotion to flags, their merits had been overlooked. To have rested it on any other ground would, in his opinion, have been disrespectful to the Sovereign, and carried with it an imputation of partiality in the noble Viscount, which he was very far from thinking that he deserved. Lord Rowdon stated a case of promotion to flags in the reign of Queen Anne, when the Captain of Admiral Sir George Rooke's ship, who was then at Portsmouth, just preparing to sail on an important expedition, was passed by; Sir George Rooke, thereupon, wrote to Prince George of Denmark, remonstrating against so gross an act of injustice to his Captain, and declared that he considered it as a personal affront to himself. Lord Rawdon produced one of Sir George's letters to the Prince, and read a passage from it. Sir George Rooke (he informed the House) wrote many more letters to the Prince on the occasion;

occasion; nor would he fail before justice was done to his Captain, and he was restored to his rank. With regard to the nineteen Captains that the noble Earl had said were superannuated, to make eight Admirals, the noble Earl had not stated, whether they had withdrawn themselves from the service or not. He had, therefore, a right to conclude that they *did* withdraw, and it was on all hands admitted, that such officers as had withdrawn themselves from the service, had no claim to farther promotion. But, was that the case with the officers in whose behalf he had made the motion then upon the table? Directly the reverse. They were all officers lately in service, and ready and willing to be employed again. They were not men liable to be set aside upon so harsh an imputation as incapacity. The noble Viscount had asked if a serjeant of grenadiers, though a brave soldier, was fit to command on a dangerous enterprise? Were the cases in the smallest degree analogous? Surely not. The officers for whom he then contended had actually been in command often. They were looked up to by their whole profession as officers of the first ability, and as fit for command as any naval characters whatsoever. In the army, men always rose by seniority, Colonels became Generals, and so on; and unless there was some stain in an officer's character, which rendered him unworthy of promotion and unfit for rank, he saw not the inconvenience that could arise from the same practice obtaining in the Navy. Certain he was, that the establishing a precedent of a *garbled* list of promotion to flags, let it happen when it might, ought to be considered as a most mischievous precedent. It was rank, and not emolument, for which officers of true military feeling were anxious. To know that their country admitted that they deserved to be thought well of, was their ambition, and the noble Viscount, as well as he, had witnessed the advantages of encouraging that glorious emulation in both services during the late war in America. The noble Earl's argument went so far as to shut the door completely against inquires into the conduct of a First Lord of the Admiralty, on any occasion; a principle which he hoped he should never see the House adopt, since it was possible for a marine Minister to act as detrimentally against the interest of his country, by abusing his authority, and pursuing improper measures, as the Minister of any other department in the State.

The Earl of *Sandwich* renewed his remonstrance against the motion, on the ground of its calling upon the House to interfere with the executive departments of Government. It was, that the House might have it in their power to proceed to inquire into abuses of the executive departments, and not to shut the door upon investigation, that he wished the motion

Earl of
Sandwich.

to be negatived. While responsibility rested with Ministers, Parliament could do its duty; inquire into abuse of office, and address to remove. If Parliament, on the contrary, took upon itself to originate, where was it likely to close? Parliament had never interfered with the executive department, but it had done mischief. If a complaint had been stated in form, and proof offered to bring it home to the noble Viscount, he was sure the noble Viscount would not have shunned inquiry. [Lord Howe nodded assent.] It would have been constitutional for the House to have taken notice of the complaint; but, here, the case was otherwise. With regard to the succession of rank in the army, the fact undoubtedly was, that a Colonel became a General, by seniority; but, was that like the promotion of a Captain to an Admiral's flag? In one case, the Public was put to no expence; in the other, the expence was enormous. If the present Motion passed, then Lordships should consider that it was not five or seven Captains only who would become entitled to their flag, but, many more. Seventy Admirals there were already, and, therefore, let the House think what (with the proposed addition,) such a List of flag officers would cost the Public. In conclusion, the Earl of Sandwich observed that the principle of the motion appeared to him to be mischievous, that objections out of number presented themselves to his mind, and he really began to think himself a speaker. In order, therefore, to prevent his giving their Lordships more trouble, he would go out of the House as soon as he had given his vote against the motion.

Lord
Rawdon.
Viscount
Howe.

Lord *Rawdon* made a short reply, urging the extreme hardship of treating brave and able officers with neglect.

The Peers were all moving, when Viscount *Howe* rose and said, he was persuaded their Lordships would give him their attention a moment, while he took notice of one expression, which had fallen from the noble Lord who introduced the motion. The noble Lord had talked of a *garbled* list of promotion. The noble Lord might not have meant the expression in an offensive sense, but if he did, he ought to state his charge, and bring it to the proof.

Lord
Rawdon.

Lord *Rawdon* declared that he would not, for a moment, suffer the noble Viscount to conceive that he had used the word in an unkind sense. He certainly had not the smallest intention so to have it understood, and he hoped that neither the noble Viscount, nor any other noble Lord had so understood him. Had he thought bad motives imputable to the noble Viscount, he would with confidence have made the charge.

Viscount
Howe.

Viscount *Howe* bowed, and said, most certainly.

The question was then put, and *negatived* without a division. The House adjourned.

Under

A. 1788.

DEBATES.

Under the idea that our readers will consider this short account, prefixed to the debate which follows, as elucidating matter, we beg leave to submit the whole of it to their attention.

Upon the sixth day of the trial of Governor Hastings, Mr. Fox rose, and observed, that he was directed by the Committee to submit to their Lordships, that it was their intention to proceed article by article, to adduce evidence to substantiate each charge, then to hear the prisoner's evidence, afterwards to be at liberty to reply.

The *Lord Chancellor* called upon Mr. Law, senior counsel for Mr. Hastings, to know whether this mode would be agreeable. Mr. Law answered in the negative; and then the *Lord Chancellor* observed to the Committee, that as it was his wish that substantial justice might take place, he should be glad to hear the reasons which induced the right honourable *Manager*, and the Committee, to call upon the Court to adopt that mode.

Mr. Fox stated to their Lordships, that the mode proposed in such a complicated case was adopted to avoid obscurity—to place the various questions in such a clear point of view, that their Lordships might with the greater ease determine *ad feriatim* upon the merits of each article of impeachment.

Mr. Anstruther spoke to the same effect.

Earl *Stanhope* desired to know whether the same charges were meant to be brought forward in various shapes, and whether the same evidence was intended to be adduced in support of them. Earl Stanhope.

Mr. Fox replied, that he had seen too much of this prosecution to be ignorant that all the charges were made upon different grounds, distinct in their nature and qualities, and requiring a different system of evidence to support them; notwithstanding that it might so happen, in the progress of the business that the same evidence would prove necessary to substantiate other charges. On his part, and on the part of the Committee, and the House, he had no hesitation to declare that they meant to avail themselves of no subterfuge; they meant to bring the charges plainly, clearly, and completely home to the prisoner. There were several precedents of the kind, particularly the impeachment of the Earl of Macclesfield and the Earl of Strafford.

Earl *Stanhope* being satisfied with this explanation,

The *Lord Chancellor* called upon Mr. Law for the reasons on which he supported his objection. The Lord Chancellor

Mr. Law entered into argument to prove that it would be inconsistent with the rules of justice to suffer the prosecution to proceed in the mode proposed by Mr. Fox. He cited the case of Archbishop Laud, and was urgent to prove that all the cases in which impeachments had been determined

terminated, article by article, were by consent of the party under prosecution. In the warmth of his zeal for Mr. Hastings, he dropped a few words which reflected upon Mr. Burke, for the harsh and cruel manner in which he had opened the prosecution. It was similar, he said, to the proceedings against Sir Walter Raleigh. He was going on, when

Mr. Fox rose and said, he was commanded by the Committee not to suffer such gross and indecent liberties to be taken in a case where the Commons of England were the prosecutors.

Lord
Stormont.

Lord *Stormont* observed, that the counsel had travelled out of his path to reflect upon the conduct of the right honourable gentleman who opened the cause; and he hoped that such a liberty would not be taken in future.

Mr. Law said a few words, and sat down.

Mr. Plomer followed him; and

Mr. Dallas, next, endeavoured to draw the analogy between the practice of the common law in the Courts below, and that mode which ought to prevail in the present instance. He combated the precedents which were drawn from the trials of the Earl of Macclesfield and Lord Strafford, and asserted, that to try each charge, and determine upon it, would, consequently, lead to delay, confusion, and perplexity.

Mr. Fox replied to the three counsel, and maintained that neither the prosecutors could obtain justice, the prisoner have a fair hearing, or the Court discharge the duty which they owed to their country and to mankind, unless the charges were separated, and the determination of the House obtained upon each of them.

Mr. Fox was never more happy in his delivery, and on the strength and solid sense of his arguments.—In short, he riveted the attention of the Court and the auditory—he astonished them with his eloquence, and convinced them by his arguments, of the propriety and actual necessity of the mode of conducting the trial in the manner which the Committee had proposed.

The Peers immediately withdrew to their house, and ordered that the Lords be summoned to consider and determine upon the mode in which the several charges should be brought forward, and whether the proposition of the Committee of the Commons should be adopted.

Thursday, 21st February.

The order of the day having been read for taking into consideration the mode of proceeding on the articles of impeachment against Governor Hastings, and for the House to be summoned,

The Lord
Chancellor.

The Lord Chancellor left the woollack, and opened his speech by pronouncing a very fine eulogium upon Mr. Burke, for his

his mode of opening his charges. He had mentioned circumstances of such horror, of such accumulated horror, and of such deep criminality, that every thing contained in the articles before their Lordships, sunk, in the comparison, to utter insignificance; and the right honourable Manager had unequivocally declared that he had not assumed the privilege of an advocate to exaggerate. [Here the Chancellor read his words, as he had taken them down, compared with the short-hand writer.] After this, says his Lordship, I shall hold Mr. Burke to the proof of all he has asserted. He has mentioned crimes of so deep a dye, that if the defendant was to forfeit all his property, to suffer the most exemplary punishment that their Lordships could inflict, it would be far, very far short, indeed, of a punishment adequate to his crimes. Their Lordships all knew the effect which the description of them had had on many very respectable persons, many of whom had not, to this moment, and perhaps never would, recover from the shock which they felt at the relation. But, in proportion as he was ready exemplarily to punish Mr. Hastings, if he really was guilty, he thought it right to pursue the only methods of ascertaining his guilt, or of clearing his innocence; and, for the present, he had a right to presume him innocent. What the counsel of Mr. Hastings claimed, was no indulgence, but a right. His imagination could not go to any other possible mode of defending Mr. Hastings, than that which his counsel had proposed, namely, that the Managers should complete the whole of their case, before Mr. Hastings said a word in his defence. Was it possible they could reply to any one article, before they had opened a general state of their case; its various relations to the occurrences of Great Britain, during Mr. Hastings's government; and in short, to complete that plan which the right honourable Manager had professed to have taken up, but which, for what reason his Lordship knew not, he had abandoned. If the articles were totally unconnected with one another, Mr. Hastings could not, with any regard to his own case, say a word till the prosecution was closed; but the fact undoubtedly was, that the articles were so intimately blended, that he desired any man living to separate them. They comprize the whole of Mr. Hastings's foreign and domestic government for a long series of years. His Lordship, after descending a considerable time with great force on this subject, said, he should not assent, until he heard something like a reason assigned for adopting the recommendation of the Commons: his own imagination could not form a shadow of a reason to justify their Lordships. But not only had the counsel of Mr. Hastings to defend him against the articles already exhibited against him, they must wait until the criminal matter opened by the right

honourable Manager was put into such shape, that they could freely meet it, and reply to it. From the specimen which the counsel had given of their talents, he presumed they would, in their general opening, endeavour to invalidate the history of the right honourable Manager. Indeed, they had been told by Mr. Fox that they might make their general opening as soon as they pleased. What ! before they knew all that could be said against them ? He added, that as he was bound in conscience to protect Mr. Hastings, if innocent, and to punish him severely if guilty, he never could consent to a mode of procedure, unfair to the defendant in the highest degree, and contrary to the fundamental principles of justice.

Earl Stanhope.

Earl *Stanhope* proposed that the various crimes should be tried separately ; and therefore moved, " That the Managers for the Commons of Great Britain be directed neither to proceed upon the whole of the charges, nor upon their accusations, article by article, but to proceed upon the criminating allegations one by one."

Ld. Loughborough.

Lord *Loughborough* opposed it, and replied at great length to the Chancellor. He contended, that Benares was a single article, containing sundry criminal allegations, totally unconnected with the other articles, and that there could not be the smallest objection to their considering that article separately and distinctly from the others. Whether the same rule would apply to the other articles, might be a matter of future consideration. He declared that it was impossible for their Lordships to adopt the mode wished for by Mr. Hastings, with safety to the inquiry. The multiplicity of matter contained in one charge, he observed, was sufficiently intricate, without uniting the several charges together ; each charge, he said, contained crimes of different complexions ; and he asked, if any noble or learned Lord present would, for a moment, contend that such a precedent existed, where crimes of different descriptions and different magnitudes were blended together, and on which their Lordships were bound to give one ultimate opinion ; it would lead their Lordships into a labyrinth of perplexity ; it would be committing several of the charges into inevitable obscurity. His Lordship adverted to the several arguments made use of by the Chancellor and Lord Stanhope : he contended, that the analogy between the present case and indictments and informations, must fall to the ground. His Lordship then gave a fine description of an English trial by jury, with a strength of colouring which did him infinite credit ; and contended, that the law of Parliament was not to be shackled down by the rules of the Courts below, while they did not violate the substantial rules of justice ; that they had a right to consult their own convenience, or so far as that was consulted with the view to the clearer

clearer comprehension of the case. After persisting this contrast for some time, his Lordship went through all Mr. Fox's arguments in reply to the counsel in Westminster Hall, and concluded with warning their Lordships against a hasty decision, which would be of considerable importance to the present grand and momentous question; a question, on the decision of which the interest of thousands was dependent; for which decision all Europe was waiting with the greatest anxiety.

Lord Loughborough then moved, "To agree with the proposition, as stated by the Managers for the Com-mons."

The Duke of Richmond began with expressing his inability to follow the noble and learned Lord in that strain of eloquence which had at all times distinguished him in that House, and never more so than upon the present occasion. He declared too his inability to follow him through the maze of legal knowledge. His reading, his Grace observed, on legal points, was rather superficial, and therefore he could not be expected to define with such legal perspicuity and nicety as the learned Lord, but the little information he had of legal and constitutional forms, led him to differ most materially with his Lordship. His Grace entirely concurred with the Chancellor, and professed himself to come with a mind perfectly free and unbiassed, and conscientiously determined to do justice. As to what Lord Loughborough had said, that at the close of the whole, a separate question might be put upon each article, his Grace said that that point was by no means so clear to him. He thought the question of guilty, or not guilty, would be more proper; but that was a point for future discussion. If he could have had a doubt upon the present occasion, that doubt would be removed, by reflecting upon what passed in another place; it would be indecent in him to allude to it, but he would put a case. Suppose the House of Commons had preferred a variety of charges against a gentleman, and that that person, anxious to clear his name, should agree to be heard; suppose, after being heard, he should be weak enough to give in his defence, and allow it to be printed, and that his prosecutors should actually make use of that defence, for the purpose of drawing articles of crimination against him, would he not, in future, be cautious not to say a syllable, till he had heard every thing which could be said against him? Suppose another person, of some wisdom and caution, should be accused, should be heard, should make a very fine speech, which carried the whole House with him. Profiting by a former example, suppose, when applied to for the minutes of his speech, he should decline to deliver them in, declaring it impossible to arrange them. If such

Duke of
Richmond,

things had happened, or could happen, he who sat as a judge would never agree to place Mr. Hastings in a situation, by which, from inattention, or not making the best of his case, he might become his own accuser. He contended, that by every law, human and divine, Mr. Hastings was entitled to hear every charge, every allegation, contained in the articles of impeachment, opened and proved against him, before he ought or could be compelled to enter upon his defence. In the courts below, his Grace said, no prisoner was called upon for his defence, till every clear count in the indictment was proved, or attempted to be so. If then, said his Grace, for crimes of so much inferiority comparatively with the present, a prisoner can, in those courts, demand that as a right, which the Managers wish to deprive Mr. Hastings of here, your Lordships should step forward, and support the cause of humanity. The crimes, he observed, imputed to Mr. Hastings, were of so black a dye, as to make humanity shudder, and degraded human nature. But, observed his Grace, no man in this country is thought guilty, till he is proved so; and if the crimes imputed to Mr. Hastings are of that description I have mentioned, God forbid we should deprive him of that glorious privilege every subject ought to enjoy, the privilege of chusing the best mode of defending and overturning those imputations. His Grace then observed upon Mr. Burke's opening, and Mr. Fox's reply to Mr. Hastings's counsel, declaring himself insulted, as an individual of that House, by the expressions of Mr. Fox on that day, and expressing his disapprobation of the mode adopted by Mr. Burke. He observed upon the language of Mr. Law, and justified the term *calumniator*, which Mr. Law had made use of. Calumny, he observed, in his conception, was, where improper, unjustifiable language was applied to an undeserving object, or where, admitting the object a deserving one, those imputations were not proved. He had too much confidence, he said, in the integrity and honour of the right honourable Manager (Mr. Burke) to doubt for a moment that he either would or thought he could prove every thing he had opened against Mr. Hastings: but that not being the case at present, he did not think the right honourable Member justified in the language he had used, and consequently thought Mr. Hastings's counsel, situated as they were, excusable in observing as they had done. His Grace observed on what had fallen from Lord Loughborough, respecting the difference between parliamentary and common law, and contended that those ought to be guided by the rules adopted and preserved in the inferior courts, particularly where those rules resulted to the prisoner's advantage. Ignorant as he was, he said, he should feel no difficulty in giving his opinion on the whole of the charges together, and though

though he was of opinion that this mode would be productive of as much expedition as the other, yet even admitting for a moment that it would not, he contended, that for that reason only, nor any other he knew of, ought they to deprive Mr. Hastings of that glorious privilege of an Englishman, viz. choosing what mode of defence he pleases to adopt.

Lord *Sturmont* rose next, and began by complimenting the noble Lord (Loughborough) for the eloquent speech he had delivered that night, and confessing his regret that it had not force sufficient to convince him of the propriety of the measure the noble Lord so strenuously wished to enforce. He would not, he said, be too cautious as to declare a total ignorance of the legal points in question, as that might be attributed to vanity, rather than an indifferent opinion of his own abilities. He had, he confessed, as he thought it a duty he owed that House, made his best. It is much master of the question as his time and situation would admit: and he was free to own, that not a doubt remained on his mind as to the impropriety of the mode proposed by the Managers to that House. It was, in his opinion, overturning every precedent that House had before adopted, and depriving Mr. Hastings of a privilege he had a right to demand; depriving him of a right the immutable and eternal laws of justice gave him to make choice of that mode of defence best calculated to the nature of the charges alleged against him, and the peculiar situation in which he stands. These were privileges, these were liberties, his Lordship observed they should be very cautious in being the instrument to destroy. No rank, no character in that House, however eminent, or however innocent, but might be an object at some future period of an impeachment, might be placed in the critical situation in which Mr. Hastings then stood. He therefore warned them to be cautious in adopting a mode of proceeding, by which they not only bound themselves, but posterity. The decision of that night would be handed down as an invariable rule in future; and he therefore again warned their Lordships to be cautious in that decision. Much, he observed, had been said of the impossibility of their Lordships' recollecting, when they came to give their opinions upon the whole of the various facts that had been proved, or such parts of the charges that had been disproved. Did not their Lordships, he asked, take notes? did not the clerks of that House do the same? Surely they did; and if their Lordships had doubts of this recollection he saw no objection why the proceedings of each day might not be printed, and distributed for their Lordships' use. His objections against proceeding charge by charge, were strong and determined. He instanced several of these objections: the House of Commons might, for aught he knew, make the very evidence

Lord
Sturmont.

evidence adduced to overturn one or two of the charges, proof to support the other. He argued on the case of Lord Strafford, and declared the proceedings on that case were not at all analogous to the present. In that case, he said, Lord Strafford, on the mode of proceeding, viz. charge by charge, being proposed to him, immediately gave his assent to it. Lord Strafford, he said, thought it was a very just mode of proceeding; it met his approbation; it was the method he wished to adopt, and therefore he coincided with the proposal. But his Lordship observed, this assent was not to be considered as a precedent in future; what Lord Strafford might consider as a proper mode of proceeding, or what might be a proper mode of proceeding in his case, might, in another instance, appear quite the reverse, and Mr. Hastings was not bound to adopt it.

Lord Derby observed, that one of the counsel for Mr. Hastings had mentioned Lord Orford's case, but mentioned it in that kind of way, as if it had dropped from him unwarily. That case, in his opinion, as far as it went, was directly contrary to the mode of proceeding Mr. Hastings wished to adopt. He made some observations on the delay that would be created by it. His Lordship then went to prove, that if the charges were heard collectively, some of their Lordships might in the interim be taken ill, and being deprived of their attendance, could therefore only hear a part, perhaps, of the prosecutor's case, and none of the defence, or vice versa; or, that if any of their Lordships died, their sons who succeeded them would hear, according to the present mode, a part only of that trial, on which they were to decide.

Lord Grantley rose, and after apologising for the want of ability, at his years, to answer the noble Lord (Loughborough) observed, that the noble Lord who had just sat down, had given himself a deal of trouble, upon a point which might be very soon determined. It was so unprecedented a question to ask, that he felt no difficulty in answering it. He declared that he had affirmed no lawyer could have supported the proposition of the learned Lord (Loughborough,) and he declared so still; but unless he had seen it with his eyes, and heard it with his ears, he could not have believed that any man, who pretended to be a lawyer, could have made a motion which was directly contrary to justice and common sense. He never knew in his life a prisoner called upon for his defence to a part of an indictment or information, until he had heard the whole. He challenged the learned Lord (Loughborough) to give him one single instance in his recollection, where a prisoner was so situated. He asked it as a favour, he asked it for information. The learned Lord, said his Lordship, not answering me, I take it for granted he has none. What, said his

his Lordship, call upon a man for his defence, when he has only heard part of the charges alledged against him! was ever such a thing heard of! The right honourable Manager (Mr. Burke) says his Lordship, has opened the charges generally to us, and in that way I should think it most advisable to proceed. He argued upon Lord Strafford's case, and declared there was no comparison between that and the present. Lord Strafford, said his Lordship, wished for that mode of proceeding; and so far it makes for Mr. Hastings; for they did not attempt to compel him to it, but put it as a question. His Lordship attacked several of Lord Loughborough's arguments, and drew conclusions between impeachments like the present, and informations and indictments. The noble and learned Lord, he observed, must have strangely forgotten himself, or he could never for a moment have drawn the inferences he has done. This called up

Lord *Loughborough*, who denied that the right honourable Manager had opened any of the charges—He ridiculed the comparison between indictments and informations and the present case, and asked Lord Grantly if he ever knew an instance where several issues were joined upon either an indictment or information. He attempted to make an obvious distinction between them, when he was answered by

Lord *Grantly* who said the noble Lord had surely not heard him, or had mistaken him wilfully. He declared he never said the right honourable Manager had gone into any of the charges, and was in their Lordships recollection on that fact; but he said, and he again repeated it, that he had opened the charges generally. The learned Lord, said his Lordship, calls upon me for an instance where several issues were joined upon one information. Can he, says his Lordship, be serious when he asks me the question? If he is, I answer him, that it is not a question I expected from him. The supposition is too ridiculous to require any answer. But says his Lordship, I will tell that learned Lord what I have seen and done. An information against a magistrate was filed by me as Attorney General for mal-practices, and that information was contained thirty or forty different counts, all for mal-practice, but in their nature as opposite as light and dark. Would not the learned Lord have thought it strange to have heard the prisoner called upon to answer one of those counts, and give in his defence to that, before he had heard the remaining counts contained in the information.—Surely he would, and the case is just the same; that count was to have been a particular constituent part of one grand charge, the same as one of the present charges is a part of one impeachment. His Lordship reasoned for some time on this point, when

The *Lord Chancellor* rose, and declared himself firmly of opinion with Lord Grantly. A deal of nice critical inquiry, he observed,

Ld. Lough-
borough.

Lord
Grantly.

The Lord
Chancellor.

served, had been made use of to no purpose. He affirmed that the motion of Lord Loughborough was futile and absurd. That he believed no man in England understood the English language better than Mr. Fox.—That his first proposition was clear and perspicuous, namely, that all the articles should be taken separately, and that the defendant should be required to answer separately to each. But to prevent the possibility of a doubt, he had called upon Mr. Fox, still farther to elucidate his meaning, and the answer was plain and direct. It became their Lordships therefore to determine now and for all, and to prevent future appeals. If he were to judge from what had already appeared, occasions would necessarily arise, which would compel their Lordships to adjourn from Westminster Hall to their own House, which of itself was rather a tedious duty; therefore they ought not to suffer it unnecessarily. He said he had not heard a single argument in support of the motion of the learned Lord. It was the duty of a Judge to do justice without any consideration of conveniency, and to do justice according to the laws of England. With respect to the law and usage of Parliament, of which he had heard so much, the Chancellor utterly disclaimed all knowledge of such law. It had no existence. In times of barbarism, indeed when to impeach a man was ruin to him by the strong hand of power, by tumult or by faction, the law and usage of Parliament were quoted in order to justify the most impetuous or atrocious acts. But in these enlightened days he hoped that no man would be tried but by the law of the land, which was admirably calculated to protect innocence and to punish guilt. In Westminster Hall one of the honourable Managers had attempted to make a distinction between the first stage of the impeachment of that great man the Earl of Strafford, and the latter proceedings when the House was borne down by violence and by tumult. He declared that the whole proceedings, from its commencement to its conclusion, was in the highest degree violent, unjust, and tyrannical. The Managers of the Commons attacked that great man in language so gross, that it disgraces this country, and was never equalled except in the case of Sir Walter Raleigh. A licentious and unprincipled fellow, Pym, attacked that noble Lord with all the virulence of party faction and malignity, enormous as it was, because the Earl of Strafford was accused by them of quitting his party; as if it were not meritorious to serve the state instead of a faction—as if it were a crime to quit a gang of highwaymen. That noble Lord once, and but once, forgot himself in entreating the forbearance of his execrable persecutors. But, my Lords, if we talk of the law and usage of Parliament, and are bound by it, what injustice shall we not commit? If we go back into our history, counsel was not allowed in an impeachment for misdemeanors;

A. 1788.

D E B A T E S.

demeanors; but now we sit as a Court of Justice, bound, as every Court ought to be, according to the strong, pointed and just expression of the noble Viscount (Stormont) by the eternal and immutable laws of justice. The Chancellor said, that there was not a single impeachment during the last century in which there were not the strongest marks of tyranny, injustice and oppression; and even the impeachment of Sacheverell, in the present century, contained an instance of injustice, which he trusted never would happen again; when the House of Lords determined upon a point of law contrary to the unanimous opinion of the Judges. In the present impeachment, he trusted their Lordships would not depart from the known, established laws of the land. The Commons might impeach, their Lordships were to try the cause; and the same rules of evidence, the same attention to the laws which obtained in the courts below, would, he was confident, be preserved by their Lordships. He contended that it was highly improper to compel a person, situated as Mr. Hastings was, to answer one charge without hearing the whole. He instanced the case of an indictment for perjury, where a man might put in a false answer to a bill in Chancery. In this case, says his Lordship, there might be a hundred different assignments, but would it be ever thought of to compel the defendant to answer one of those assignments separately without hearing the whole? The subject matter of the bill might in many parts be as different as black and white, and comprehend a variety of facts and transactions, and there would be an assignment for every fact distinct from the other. Yet the defendant could not be compelled to enter upon his defence till he had heard every component part of that indictment opened and proved, or attempted to be so against him.

Lord *Carlisle* agreed with the Chancellor in his conclusions, but thought he spoke strange in some instances.

Lord
Carlisle.

The Duke of *Norfolk* dissented, and justified Pym and the Commons.

Duke of
Norfolk.

Lord *Loughborough* said if his motion was negatived, it would be a paltry mode of putting an end to the impeachment.

Ld. Lough-
borough.

Contents, 33; Not Contents, 88.—Majority 55.

The House adjourned.

On the preceding occasion the following protest was entered.

Die Jovis, 21 February 1788.

The order of the day being read for taking into consideration the mode of proceeding upon the articles of impeachment against Warren Hastings, Esq. and for the Lords to be summoned, and for all the Judges to attend

It was moved and ordered, that the Commons be informed, that they do proceed to produce all their evidence in support of their impeachment, before the defendant be called upon for his defence.

Dissentient,

First, Because we hold it to be primarily essential to the due administration of justice, that they who are to judge, have a full, clear, and distinct knowledge of every part of the question, on which they are ultimately to decide; and in a cause of such magnitude, extent, and variety as the present, where issue is joined on acts done at times and places so distant, and with relation to persons so different, as well as on crimes so discriminate from each other by their nature and tendency, we conceive that such knowledge cannot but with extreme difficulty be obtained, without a separate consideration of the several articles exhibited.

Secondly, Because we cannot, with equal facility, accuracy, and confidence, apply and compare the evidence adduced, and more especially the arguments urged by the prosecutors on one side, and the defendant on the other, if the whole charge be made one cause, as if the several articles be heard in the nature of separate causes.

Thirdly, Because, admitting it to be a clear and acknowledged principle of justice, that the defendant against a criminal accusation, should be at liberty to make his defence in such form and manner as he shall deem most to his advantage; we are of opinion that such principle is only true so far forth, as the use and operation thereof shall not be extended to defeat the ends of justice, or to create difficulties and delays equivalent to a direct defeat thereof; and because we are of opinion that the proposition made by the Managers of the House of Commons, if it had been agreed to, would not have deprived the defendant in this prosecution of the fair and allowable benefit of such principle, taken in its true sense, in as much as it tended only to oblige him to apply his defence specially, and distinctly to each of the distinct and separate articles of the impeachment in the only mode in which the respective merits of the charge and of the defence can be accurately compared and determined, or even retained in the memory, and not to limit or restrain him in the form and manner of constructing, explaining, or establishing such defence.

Fourthly, Because in the case of the Earl of Middlesex, and that of the Earl of Strafford, and other cases of much less magnitude, extent, and variety, than the present, this House has directed the proceedings to be according to the mode now proposed by the Managers on the part of the Commons.

Fifthly, Because, even if no precedent had existed, yet and from the new and distinguishing circumstance of the present case,

case, it would have been the duty of this House to adopt the only mode of proceeding, which, founded on simplicity, can insure perspicuity, and obviate confusion.

Sixthly, Because we conceive, that the accepting the proposal made by the Managers, would have been no less consonant to good policy, than to substantial justice, since by possessing the acknowledged right of preserving their articles as so many successive impeachments, the Commons have an undoubted power of compelling this House in future, virtually to adopt that mode which they now recommend, and if ever they should be driven to stand on this extreme right, jealousies must unavoidably ensue between the two Houses, whose harmony is the vital principle of national prosperity; public justice, if not defeated, might be delayed—the innocent might be harrassed, and the guilty might escape.

Seventhly, Because, many of the reasons upon which a different mode of conducting this prosecution has been imposed upon the Commons, as alledged in the debate upon this subject, appears to us of a still more dangerous and alarming tendency, than the measure itself, forasmuch as we cannot hear, but with the utmost astonishment and apprehension, that the Supreme Court of Judicature is to be concluded by the instituted rules of the practice of Inferior Courts. And that the law of Parliament, which we have ever considered, as recognized and revered by all who respected and understood the laws and the constitution of this country, has neither form, authority, nor even existence; a doctrine which we conceive to strike directly at the root of all parliamentary proceedings by impeachment, and to be equally destructive of the established rights of the Commons, and of the criminal jurisdiction of the Peers, and consequently to tend to the degradation of both Houses of Parliament, to diminish the rigour of public justice, and to subvert the fundamental principles of the constitution.

PORTLAND,	WENTWORTH,
DEVONSHIRE,	DERBY,
BIDFORD,	CARDIFF,
LOUGHBOROUGH,	FITZWILLIAM,
STAMFORD.	

Dissentient for the first and second reasons only,

TOWNSHEND,
HARCOURT,
LEICESTER.

Dissentient on the first, second, and last reasons

MANCHESTER.

The next material Debate occurred upon

Monday, 17th March.

Lord *Scarfeale*, having taken the chair, and the clause in the Mutiny Bill having been read,

The Duke of *Manchester* declared his intention of opposing the novel clauses introduced in the present bill; and trusted that their Lordships would do him the justice to impute such an opposition to the real cause; to the rectitude of his feelings, and not to any party motives. He was an avowed enemy to the extension of military law, unless in cases of absolute necessity, the bill just read, went to increase that law by making a number of artificers liable to feel its severe effects, who had, hitherto, enjoyed their liberty in common with their fellow subjects, under civil law. And if he proved necessary for the safety of the kingdom, he should not entertain the least objection against the increase of the army, but, in a time of profound peace, certainly the adoption of a measure of this singular nature called for a full explanation. It was establishing a precedent of a most dangerous tendency to the constitution, which could not be guarded with too jealous an eye.

Duke of
Rochester

The Duke of *Rochester* having remarked that he gave the best noble Speaker full credit for the purity of his motives, added that, he wished the ideas of putting under the common law of England, and subjecting men to martial law, were not carried too far. With respect to the objects of the clause, it had occurred to him that the formation of a regular corps of artificers, who would in future wars, be applicable to any service, when wanted either at home or abroad, could not but be attended with very beneficial consequences. In all the armies abroad, such a corps made part of those armies, and as their utility was unquestionable, he had concluded that there ought to be such a corps in the army, and therefore he had considered it as his duty to submit the proposition to His Majesty, who had approved of it, and it had been since laid before the House of Commons, and voted by that branch of the Legislature. With regard to putting them in the Mutiny bill, being a part of the army, enlisted regularly as soldiers, like other soldiers they ought undoubtedly to become subjected to the same law, as the policy of the State had considered it as right that all soldiers should continue in such a state of subordination. The only principle on which he had ever understood that martial law was most fitting for the army, was the suddenness of its punishments. At the same time, it was not to be considered as any hardship, since no species of trial, however popular it might be, was (he believed) more fair and candid than trials by Court Martial. In all this he had

had ever attended, he had seen as much care taken to give the party tried every fair advantage which possibly could have taken place. The corps of artificers proposed to be formed, was not only highly useful, but, at the same time, so far from being an additional expence, they would prove a saving, because the difference between getting such a number as heretofore, and having them formed into a regular corps as intended, would render the usual expence less by two thousand pounds. Exclusive of the corps of artificers, the corps of engineers, and the gunners, and quarter gunners, were likewise inserted in the Mutiny bill, which, undoubtedly, they ought to be, as they were a part of the army.

The Duke of *Manchester* answered that he must take the liberty of remarking that the arguments of the noble Peer were too inconclusive to prevail upon him to give his support to a measure which he deemed as hostile to the rights of individuals, as it was dangerous to the principles of the constitution. The noble Duke had defended the propriety of this extension of the military law for a reason to which he could never subscribe. Did the noble Duke give the preference to a Military Court, because its decision precluded the delay which the deliberation of other Courts thought necessary to their proceedings? Or was punishment inflicted suddenly, and in the warmth of military ardour, to be adduced as an argument in support of a measure for extending it to those who were not now subject to such a jurisdiction? He hoped their Lordships would not countenance a system of that kind. He for one would give his decided vote against it.

Lord *Percheval* observed that each year produced such an alarming extension of military law, that every man ought to revolt at an attempt to establish a system of government which was so dangerous to the liberty of the subject. The noble Duke had thrown out reflections against the common law, which, in his opinion, were extremely indecent. [Here the Duke of Richmond said that the noble Lord had misunderstood him.] The noble Duke, however, could not deny that he had given a marked preference to the proceedings of Court Martials, in a manner which did not much recommend them to him. For his own part, he would rather have no Mutiny bill at all, than have it coupled with such a clause as the present. Indeed the whole bill was so carelessly and inaccurately drawn up, that it was a disgrace to the statute books. What struck him as the most objectionable part of the noble Duke's corps of artificers was, the manner in which those unhappy men were to be attested: they were to be deprived of one third of their pay if they were not good soldiers; and if they were not good artificers, they were to be punished by the authority of the Master General alone, without even the formality of a trial.

Duke of
Manchester.

Lord
Percheval.

Lord

Lord
Carlisle.

Lord *Carlisle* observed that he expected to hear some person in office account to the House why the Mutiny bill was brought on so late this year, declaring, he hoped it had not been for the bad reason of depriving them of an opportunity of considering it with due deliberation. With regard to the corps of artificers and the noble Duke's argument, that it would be a saving of 2000*l.* he ridiculed it as an idle reason for such an innovation. If their Lordships were to be governed by any such argument, they would be led into so absurd a matter as the calculation how much the surrender of the rights of the subject was worth per man; and if the rights and liberties of 600 artificers were worth 2000*l.* their Lordships would see that the rights and liberties of each individual artificer would be valued at 3*l.* 10*s.*

Lord
Cathcart.

Lord *Cathcart* remarked that artificers were exceedingly wanted in the field, and that the formation of a regular corps could not but be attended with the most essential advantages to the service. Thus, hitherto, the regiments had been obliged to be drafted on every sudden emergency for artificers, and much difficulty and inconvenience had in consequence arisen.

Duke of
Richmond.

The Duke of *Richmond* defended what he had said of the advantage of sudden punishment for military men, and declared that he had not meant severe personal punishment. No man could be more an enemy to those degrading severities which revolted human sensibility; he had always been against them, and was of opinion they might be dispensed with entirely; and that confinement alone, or low living, would answer every end of punishment. With regard to continental armies being offensive, and British armies defensive, he knew of no such distinction. All armies ought to be formed on an offensive principle, since to be able to attack, was the best way to defend. A noble Earl had asked why the Mutiny bill had been brought in so late? He could only say, it was (he supposed) the usual time for bringing in the Mutiny bill. Certain he was, the clause respecting the Corps of Artificers had not delayed it; as the House of Commons had voted them before Christmas. The Duke explained the reasons of the terms of the attestation; and argued that they were not unusual, and that they did not lead to the Colonel's deriving any profit or advantage from cloathing the men, &c. With regard to the noble Earl's calculation of 3*l.* 10*s.* a man, as the price of surrendering his civil rights, his Grace said, the noble Earl must know that that was not a reasonable mode of arguing the matter.

Lord
Rawdon

Lord *Rawdon* declared, that such a corps of artificers must prove highly advantageous to the service. He mentioned many of the inconveniences, as well as the enormous expence, that

A. 1788.

D E B A T E S.

that had been experienced hitherto for want of such an establishment. He particularly instanced the case of the Island of St. Lucia during the course of the last war, where the utility of military artificers had been experienced.

The Duke of *Manchester* rose to defend the militia from what he conceived to have been an imputation cast on them by Lord Cathcart. His Grace said, that the gentlemen in the militia had served with the patriotism of ancient Romans, and in defence of the island they had encountered many hardships.

Duke of
Manchester.

Lord *Cathcart* explained, and begged leave to assure the noble Duke that he did not mean any thing that he had said, as an insinuation against the militia. He had last war been an eye witness of their conduct, and knew them to have deserved well of their country.

Lord
Cathcart.

The question was at length put, and the clause carried.

Duke of
Norfolk.

The Duke of *Norfolk* said, that before the House proceeded to the order of the day for the second reading of the Declaratory bill, he begged leave to present a petition from a respectable body of the Proprietors of the East-India Company, praying to be heard by counsel against the bill. The grounds of this petition were strong and weighty. The bill had been read a first time on Saturday, a very unusual time for reading an important bill. It was to be read a second time (they understood) that day; and by this means they were prevented from having a General Court of the Proprietors, by which they could petition the House as a general body in time to be heard against the bill. It was particularly the duty of their Lordships to be circumspect and deliberate in a matter, where, acting more in their judicial than in their legislative capacity, they were to declare what the law was in a particular statute. It would be a degradation of their Lordships' dignity if they were to suffer a public sentiment to go abroad, and in a measure where any public Board was at issue with any branch of the community, they had hastily interfered to give a decision of the point in favour of the Board against the subject. In this case it was peculiarly incumbent on them to be discreet and jealous; because, in addition to the private question of right and property, there was involved a great public question of constitution.—By the bill now before the House, Ministers were to acquire such an influence in the way of patronage, and such a power over revenue, as must be exceedingly alarming to every man who valued the constitution. He was sensible that the very moderate request of the petitioners would be complied with, and particularly, as the most distinguished characters in the House had, on a similar occasion, successfully warned their Lordships against rashness and haste in a bill of a quality not very dissimilar to this, [the Lord Chancellor on Mr. Fox's India bill took his objection on the ground

ground of want of time] and had by that objection influenced their Lordships in the decision. He would therefore, without troubling their Lordships further, present the petition, and he should after move that the second reading of the bill might be adjourned to Thursday.

He presented the petition signed by George Tiernay, Stephen Lushington, and other gentlemen, proprietors of India stock; it was read by the Clerk, as follows:

The humble petition of certain Proprietors of India Stock, in behalf of themselves and the United Company of Merchants trading to the East Indies,

“ Sheweth,

“ That a bill entitled ‘ An act for removing any doubts, &c. was brought into the House of Commons on Monday the 25th of February last, read a second time on Monday the 3d instant, and passed on Friday the 14th of March instant.

“ That the United Company of Merchants trading to the East-Indies, conceiving their rights and privileges violently attacked by the said bill, and having had sufficient time to take the sense of a General Court held for that purpose, and to instruct counsel in their behalf, did, previous to the said reading, unanimously agree to present a petition to the Honourable House of Commons, praying that the said bill might not pass into a law; which petition was received, and counsel heard thereon.

“ That the said bill passed the House of Commons late in the evening of Friday the 14th instant, and contrary to the expectation of your petitioners, founded on the usual practice of this Right Honourable House, was read a first time the next day (*being Saturday*) a day on which few instances are to be found of your Lordships sitting for the dispatch of business.

“ That your petitioners understanding with infinite concern that the said bill is ordered to be read a second time, *this day*, (Monday the 17th of March) whereby they are precluded from being heard by counsel in the customary stage of parliamentary proceedings, do, on behalf of themselves, and the United Company of Merchants, humbly intreat that your Lordships will be pleased to grant such farther delay as may enable the Proprietors at large of India Stock to prepare evidence, and state proofs to your Lordships, that the said bill is destructive to their privileges, and subversive to their chartered rights; the said United Company remembering, with gratitude, how much the justice of this Right Honourable House is accustomed to revolt at all attempts to violate such rights and privileges; and feeling, from recent experience, that

A. 1788.

"to lay their grievances at your bar, and the injuries that are offered to a corporate body, is to secure your Lordships interposition and protection."

"Your petitioners, therefore, pray, that the second reading of the said Bill may be postponed until *Thursday* next, the 20th instant, being the earliest day on which, by the operation of the laws, any public resolution of the said United Merchants can be taken, in order that the East-India Company may have time to instruct counsel, and prepare evidence, in defence of their rights and privileges."

Lord *Portchester* rose to observe, that the Bill in its preamble stated, that doubts had been entertained at the construction of the act of 1784. He denied the existence of the smallest doubt; he could not strain his mind to the reception of a single doubt. Besides, what were the doubts in question? Not a mere shade of difference, not a slight distinction, but doubts as broad as the difference between plain white and jet black, between mid day and mid-night. Was it possible for such doubts to have existed, and not for every man to feel them. The contrary was the reverse, as he would prove to their Lordships. Lord *Portchester* then went into an investigation of the clauses of the Bill, and reasoned upon them, after which he concluded with moving the following question to the Judges:

"Whether, according to the intent and meaning of the act of the 24th year of the reign of His present Majesty, for the better regulation of the East India Company, &c. the Committee for the affairs of India are competent at any time to direct, that the expence of raising, transporting, and maintaining such forces as may be judged necessary for the security of the British territories and possessions in the East-Indies, shall be defrayed out of the revenues arising out of the said territories and possessions, such troops not being sent at the express requisition of the East India Company; and particularly, whether under the circumstances now existing, the said Commissioners are not restrained by certain provisions contained in the said act, from giving such directions?"

Lord *Hawkebury* denied the necessity of putting any such question, declaring that he entertained not the least doubt but that the construction put upon the act of 1784 by the Declaratory bill, was the true construction. He said he would confine himself to the question, and not go into the discussion of the bill itself. He accordingly urged against the necessity of putting such a question to the Judges, declaring that it neither affected the common law of England, nor any ancient statute, and that he saw lawyers enough present to solve any difficulty the House might entertain. He gave the

Lord
Portchester.

Lord
Hawke-
bury.

House a detail of all the transactions between the Board of Control, and the Court of Directors hitherto, as stated in the papers on the table, in order to prove that the latter entertained no doubts of the power of the Board to send out the regiments till lately. With regard to delay, which he conceived to be the sole end and intention of the motion, there were very important and pressing reasons for avoiding farther delay, and using all possible dispatch, and these were the wellfare and interest of the East-India Company, whose ships were laying upon demurrage, at an enormous expence, and who, besides, would lose their voyage, unless they sailed speedily, a circumstance that would occasion the loss of the China trade for the present year, which would deprive the revenue of a very large receipt, and consequently in it really effect the finances of the country. Upon these, and other political considerations, he should object to the motion then before the House.

Lord Stormont.

Lord Stormont contended that it was erroneous to suppose that a question of fact had any thing to do with political considerations. No expence however great, ought to weigh in the consideration of the present question, and the sole matter to be decided was, did the Declaratory bill, or did it not contain a true exposition of the act of 1784. He thought that it did not, the doubts being, as his noble friend had forcibly expressed it, not whether it was twilight or such an hour of the day, but whether it was mid day or mid night. His Lordship ridiculed the idea of resorting to political considerations where the question was an abstract question of fact, and appealed to the Bench of Bishops, as men used to abstract reasoning, whether it was usual with them to call in aid, political considerations, and future consequences, as illustrative of a positive fact? He ascribed the delay that had occurred, entirely to the fault of Government, and asked why they had not embarked the four regiments, and reserved the question of who was to pay for their maintenance and support for a future discussion in the Court of Law.

Lord Sydney.

Lord Sydney observed that he rose to rescue Administration from the charge of having themselves caused delay; and he stated the dates of the different transactions between the Board of Control and the Court of Directors, till the House of Commons was moved for leave to bring in the bill, then upon their Lordships' table. With regard to sending the troops, the Company had refused to take them on board their ships, and it would have cost above one hundred thousand pounds to have sent them to India in transports.

Lord Carlisle.

Lord Carlisle contended that the noble Lord had not answered the noble Viscount satisfactorily. He observed that he had heard that wine was the better for keeping, but never before

before that Judges were only fit to explain ancient statutes. He should have thought they might have explained a modern statute. The only doubts entertained about the construction of the Act of 1784, had been (he understood) among the Ministers themselves. He repeated what Lord Stormont had said, of having sent the regiments to India, and reserved the question for future discussion.

Lord Sydney spoke in reply, to shew that Government Ld. Sidney. could not send the regiments as mentioned.

Lord Hopetoun objected to the putting the question to the Judges, because he thought it unnecessary. Lord Hopetoun.

Lord Loughborough, supporting the motion, entered into a Ld. Lough- discussion concerning the nature of Declaratory bills, observ- borough. ing, that they necessarily ought to be attended with more than ordinary delay and deliberation. He said, the case was different with an enacting law. There, if occasion required, haste and precipitation might be used, but not so with declaratory laws. He had heard, that, so far from the three regiments being ready for embarkation, they had not been inspected on the day when the bill passed the House of Commons, and they were one thousand men deficient of their complement.

The Lord Chancellor urged the House to consider that the true meaning of the question was, not whether the bill should be delayed a day or two, but whether it should be delayed to the 10th of April. He referred to a declaratory law bill, that had passed as quick through the House as it was wished that the present bill should pass; and he reminded their Lordships that the Company's ships were laid in port upon demurrage, at the enormous expence of three or four hundred pounds a day. The Lord Chancellor.

Lord Loughborough said, the declaratory bill referred to by Ld. Lough- the noble and learned Lord, was that respecting the 6th of borough. George I. relative to Ireland; and there was, he recollected, another declaratory bill relative to America; but both of them referred solely to questions of state. The present bill contained in it matter of private rights, and therefore the case was extremely distinct and different.

Earl Fitzwilliam spoke in favour of the motion, and re- Earl minded the House, that the declaratory bill relating to Ire- Fitzwilliam. land had been a bill of repeal, and therefore it needed not to be delayed as much as other bills usually were; the fact nevertheless had been, that it was not precipitately passed, but a day or two had occurred between each stage of it.*

The question was at length put, and the House divided;

Contents, 30; Not contents, 76.

A motion was then made, "That the bill be now read a second time."

Duke
of Norfolk.

The Duke of *Norfolk* then moved, by way of amendment, "That the bill be read a second time upon : ensuing
"Thursday."

The question being put, that the word "now," stand part of the question, the House divided;

Contents, 75; Not contents, 32.

Lord Wal-
singham.

Lord *Walsingham* began the debate, and defended the bill from the objections that had been suggested against it. He remarked, that he was clearly of opinion that the construction put by it upon the act of 1784, was the true construction. Had Ministers introduced an enacting bill, instead of a declaratory bill, it would have been, an *ex post facto* law, and, by implication, would have cast a censure on the Board of Control, from its institution to the present moment. No doubt, he declared, had been entertained of the powers of the Board of Control till lately, and therefore it was highly necessary to clear up those doubts. He stated that it was intended to do something for the Company's officers immediately, but that it was a delicate matter for Government to manage.

Viscount
Sturmont.

Lord Viscount *Sturmont* declared it impossible for him to sit silent, and sit a bill to pass of a tendency to extremely dangerous to the constitution, and of a nature perfectly fallacious. The act not only declared that which was not truth, but was repugnant to the express stipulation of all former statutes, and avowed a doctrine, which, on the passing of the original bill in 1784, the conduct of Ministers unequivocally disclaimed. That it should have attained a stage so advanced, was, as if a fever had obliterated every trace of its danger from the memory. The bill of Mr. Fox, previously introduced to their Lordships, had been to the world with the greatest industry, most maliciously misrepresented, vilely, badly, and meanly traduced, because it openly and honestly confessed a design to transfer to others the management of the Company's affairs. Immediately on the declaration of it, the nation was alarmed; and the present Ministry by their bitter opposition to it at the time, increased to a violent degree the antipathy of the People, and declared the remedy proposed was too harsh and powerful for the disorder it aimed to cure. They then offered to administer palliatives milder, though equally efficacious applications; which prescription the India Company were then happy to take, but now find that it contained all those destructive ingredients which so strongly offended them in Mr. Fox's bill. His Lordship defined those controlling and superintending powers with which Mr. Pitt's bill invests the Board of Control, and defined those who had attended most to the letter and spirit of the act, to point out any one instance, by which the Board

A. 1788.

D E B A T E S

Board of Control could claim an originating power over the revenues of the Company. The reason why it was, on that point, so explicit, was owing to a casual omission in the bill; but, could it for a moment be conceived, that the point contended was so very important, so materially necessary for both parties to have a clear understanding of, that it could not possibly be considered in that light. He read some extracts from the bill of 1784, tending to evince that the Board of Control had not the power over the territorial revenues, which they so unexpectedly, and with so much precipitation, now claimed from the India Company, who were placed by the declaratory act in the situation of a corps of Jesuits, commanded by their General the Board of Control. His Lordship spoke of an absurd predicament the Court must feel themselves in by having been deluded into an opinion of their having a right, which the Board of Control, in spite of them, pretended legally to possess the right of exercising. His Lordship, in the language of the poet, exclaimed *non meus hic sermo* ' that the doctrine did not originate with him, but was now, though not formerly, declared by His Majesty's Ministers to be the fair construction of the original law. Having taken a short comparative review of the principles of Mr. Fox and Mr. Pitt's India bills, he adverted to what he termed the shameful neglect and inattention of the naval department of the country, in leaving India, ever since the conclusion of the peace, so totally barren of that protection which was so politically essential for its safety and defence, at the late period of alarm, when the country was threatened with hostilities. Had France acted otherwise than she did with regard to Holland, there were in India four Dutch ships of the line, and some French frigates, that might have materially annoyed the Company's commerce, before any British naval force could have reached the settlements of the India Company. His Lordship, after debating on this point, proceeded to state the extraordinary latitude that would be given to the Board of Control, if the declaratory law passed; that they would be empowered to carry into execution any scheme of fortification which the Duke of Richmond, from his known partiality to such projects, might choose to recommend.

The Lord Chancellor begged leave to remind the House of the state in which the question before them stood, and to suggest the different ways in which those who objected to the principle of the bill, and others who wished it to be an enacting, and not a declaratory bill, ought to vote.

Lord Carlisle observed that, notwithstanding his noble friend's speech was replete with sound argument, Ministers, he saw, meant to treat it with contemptuous silence; and therefore

The Lord Chancellor.

Lord Carlisle.

therefore he felt the necessity of adding some farther arguments to those of his noble friend. He then went into a comparison of the two India bills, declaring that the bill of 1783 was a strong, manly, open measure, that truly depicted the character, understanding, and heart of its author, while that of 1784 proved that the right honorable gentleman had a very different sort of understanding and heart.— His Lordship spoke of the checks and guards contained in the latter clauses of the declaratory bill, observing, that they were all prospective and not retrospective, they therefore did not diminish the patronage already possessed by the Board of Control. He ridiculed the idea of a Minister's calling out for obstacles and impediments to his own measures, and saying, those should be considered as his best friends who suggested the most effectual checks. Lord Carlisle declared that it was the strangest demand upon friendship that he ever heard of. The checks offered by the Minister's friends were more likely to be silken chains, and ligatures of lighter weight than hard manacles; for is he those in the beggar's Opera, which sat as easy as a glove, and were such as no gentleman would be ashamed to wear. Lord Carlisle next took notice of the situation of the Company's officers, who, if this bill were passed, would feel themselves in a situation the most galling to military men, that of being degraded in the rank which they held in the service. It had been said, that it was in contemplation to assist them in obtaining a pension, but though it was extraordinary that no particular mode of relief had yet been mentioned.

Earl of Tankerville

The Earl of Tankerville entered into a purely political character of Mr. Fox, and next proceeded to his own vindication, for having voted for Mr. Pitt's bill, as he had till now always understood that its object was only to control and superintend the government of the civil and military concerns of the Company. He was no friend to declaratory bills in general, but he was decidedly against the present bill, as it not only went beyond the true interpretation of the act which it professed to order more wisely, but it contained new enacting clauses, which ought never to be admitted in bills explanatory of former laws.

Lord Rawdon

Lord Rawdon professed himself to be a determined opponent of a measure to hostile to every thing which he possessed, in concurring with Ministers in the act of 1784, which this bill pretended to explain. He advised the House, that so far from conceiving that the act of 1784 gave any such powers to the Board of Control as it now pretended that it had done, he was a friend to that measure, because (as he conceived) it left the power in the hands of the Company, and gave only a superintendency, and a control in certain specified

specified instances to the Board of Commissioners, so much for his own particular feeling as to the act of 1784. He had given his hearty negative to the act of 1783, because it took from the Company their powers, and assumed an influence which he thought would have been dangerous to the Constitution. He assisted the present Ministers in their successful opposition to that bill—he would have opposed the present Ministers with equal hostility, if, six months afterwards, they had introduced a bill which tended to the same thing. Now, but not before, they had introduced such a bill; and he averred, that in truth there was no difference between the system of 1783 and that now obtruded on the House, except in the manliness of the proceeding. The one bill did that with openness and publicity, which this struggled for obliquely and under cover. He was, therefore, a determined enemy to the measure, and he must say, at the same time, as an officer, that the conduct with respect to the Indian army, and to the corps now going out, was unjustifiable. He trusted, that whatever might be the issue of the present dispute (the issue of which, however, was too palpable) pains would be taken to reconcile the army, and to prevent the jealousies that must take place if the arrangement was not changed.

The Duke of Richmond said, that he, like a noble Viscount, who spoke early in the debate, was peculiarly circumstanced on the present occasion, since he had never yet been pleased with any of the bills for the government of India that had yet been brought into Parliament. He was displeased with all the schemes that had been suggested, because he was ever of opinion that the management of the affairs of India was in the best hands, when it rested with the Company themselves. He had opposed the bill in 1783, because it completely and instantaneously violated the charter of the Company, and vested the immense power arising from India in the hands of a set of gentlemen appointed by Parliament, but not responsible, that he could find, either to Parliament or the Crown. He opposed the bill in 1784, because it gave the power to another set of men appointed by the Crown, and which accordingly gave to the Crown an enormous addition of power. That the bill of 1784 did give to the Board of Control complete authority, he was always of opinion—he opposed it because it did so—but being of that opinion, he must justify the present bill, which, in his mind, was a true declaration of the fact.

He could not plead the argument of some noble Lords for changing the ground they had taken in the year 1784; but considering this a second part, or a confirmation of the act of 1784, he must persevere in opposing that which he had originally thought wrong. But when it was argued that this bill

bill was equal in point of violence to that which was generally called by the name of an honourable gentleman, his near relation, but whose name on that, or upon any measure, he would never use, it was certainly wrong. It would be equally true to say that the part was equal to the whole, and the attempt of that side to convince the Company that the bills were equal, was ridiculous. The bill of 1784 was declared to be necessary, on account of the enormous abuses committed by the Directors, and under this specious pretext much obloquy was, in his mind, unjustly thrown upon them. But what was now the conduct of that party? They went to the Directors, and said, "Gentlemen, we have proved that you have notoriously abused your trust—we have treated you with the utmost disrespect, and have endeavoured to take from you every thing that you possessed, but we have failed, and now there are other persons nibbling at you—they certainly will undo you, if you do not throw yourselves upon us for protection." Such, he imagined, was the sort of speech which persons of that kind must make in addressing the Company on the present measure, and a noble Viscount, who was fond of speech, and who, in speaking, chose to turn and direct himself to the bar, particularly, when he talked about fortification, might indulge himself, if he pleased, in speeches of this sort. But he confessed, for his own part, he saw the present bill in a much less formidable light than the bill of 1783. Patronage was certainly indispensable from power; but when he saw such puns taken to guard the patronage, and to tie Ministers down against the improper use of it—when he saw that it was not to be used otherwise than for the use which it ought always to be used for—the good of the service, he could not view the measure with the same jealousy with which he looked on the other; and he could not, notwithstanding the ridicule of a noble Earl, think lightly of the checks which the Minister had imposed on his own conduct.

Lord
Stormont.

Lord Stormont retorted on the Duke of Richmond, who was, he said, the Master General of Ordnance as well as of Ordnance, but who, with all his knowledge, had been mistaken, since his conduct had not been disorderly. His Lordship resumed that part of his argument respecting the neglect of the defence of the East Indies by sea, and declared that since Sir Edward Hughes left that quarter of the globe, we had not had any ships of war there, so that if an enemy thought proper, all the trade of India might be captured as it came out of the mouth of the Ganges.

Lord
Howe.

Lord Howe answered that the protection of the distant settlements must be attended to in the distribution of our force, in proportion to their importance and the danger of an attack.

tack. The West-India islands consequently claimed a preference. With regard to the East Indies, if any noble Lord would make a charge against him on that score, he would meet it fairly, since he well knew he was responsible, and deeply responsible, for such a distribution of our naval force as should cover all our valuable possessions.

Lord *Sandwich* said, that the noble Viscount's answer had not gone far enough. That it was no answer at all to say the West-India islands claimed a preference. Surely we had ships enow, to spare some for India. This matter ought always to be attended to. It was of very great importance, as the country powers judged of our strength by our naval force; and he had often spoken of the neglect in private, and was glad to have an opportunity of taking notice of it in public, because he was persuaded it ought to be attended to.

Lord
Sandwich.

Lord *Howe* rose again, and defended his conduct, challenging any noble Lord to bring a specific question upon the subject forward in that House, declaring he was ready to meet it, and that he had the noble Earl's own authority for his conduct.

Ld. Howe.

The Marquis of *Landown*, closing the debate, said that, independent of the questions respecting the justice of the acquisitions in India towards the natives, and the rights of the Company, left undecided by *seven* acts of Parliament, but now virtually and hastily divided by the present bill, various fundamental questions occurred: As, first, touching the real advantage of the possessions; secondly, how they were to be administered; thirdly, the like respecting the commerce; and fourthly, how our own constitution might stand affected. When he was Secretary of State, in 1767 and 1768, these subjects were much discussed, but were deemed too important for persons of that time to decide. Mr. Fox's bill in 1783 certainly contained matter which required its being sent to a Committee; and Mr. Pitt's bill in 1784 was supposed wisely to wave the question, on account of the heats of the time. In 1767, there was no proposal which did not go to indemnify and reward the Company, and place it as a separate body between this country and foreigners, both on commercial and political accounts.

The
Marquis of
Landown.

At the present moment, his Lordship said, his *astonishment* was excited on various accounts.

He was *astonished* to find a decision now hastily gone into by those not distinguished by their experience, however they might be in other respects. It was the first duty of a Minister to look to the prosperity and happiness of Indian nations; next, to the territories and possessions, and their protection against European and country powers; thirdly, to the discharge of the debts due to those who had enabled us to sup-

port the struggle; and then, and not before, to the investments. Thus the old proverb becomes now inverted, and, instead of being just before we become generous, we are first generous; secondly, political; thirdly, just; and lastly, commercial.

His Lordship said, he was *astonished* the more, as we might now proceed on facts and experience, and not as in 1767, upon speculation only. Accounts might be produced to shew at what the Indian balances have balanced; the account of the last eight years, for example, proving five hundred thousand pounds paid by the commerce to support the territories, over and above their produce. If any abuses existed, it should be shewn whether they were in the commercial part of the management; and whether or not they are now remedied, or will be so, by political management.

He was farther and still more *astonished* to find it insisted upon, that the principles of the present bill were contained in that of 1784. This was to be refuted in various ways.—First, upon negative grounds; for example, the Lords did not commit the bill of 1783, because it was inexpedient in its principle; and yet the bill of 1784 was now maintained, as holding one and the same principle. The particulars of the two bills were in favour of that of 1783, which proposed parliamentary Commissioners for four years. It would now be expired; though had it been longer, even life employments were constitutional. As to the Crown's not appointing, or removing the Commissioners at pleasure, this was not a serious objection to those who had complained so lately and so loudly, and it might be added, so justly, against influence; since after fifteen years opposition, and an unsuccessful war, the Public had only seen the Board of Green Cloth removed. If the power now proposed should once be given, what time and exertion then would not be called for to recover it? If it was capable of erecting a fourth estate, and overturning the constitution in fourth hands, how much more capable of mischief, if united in one of the three estates, and that the Crown, there being eleven millions sterling per annum to administer, including the disposition of the landed estates in India? The two bills differed in another respect, as to commerce; which was again in favour of the first, provided it was intended to increase our exports; for the commerce of the Company certainly required inspection, as their exports might be increased, which are now only one quarter of their tonnage; that we might not only have the present seven thousand tons employed in shipping, but two thirds of the fifteen thousand employed by foreigners. A comparison of the two bills, however, though natural and reasonable to a certain degree, was not the parliamentary standard, but truth, justice,

justice, and sound policy; and as there was no infallibility pretended to in the bill of experiment, it was right to look to the experience we had obtained since 1783. His Lordship then proceeded to state, as negative proof, the records of the Company; which shewed, that a clause, tantamount to the present bill, had been struck out on their representation; as also the evidence of Mr. Pulteney, a lawyer, a man of property, a Member of Parliament, and a witness, as might be seen in his pamphlet, written at the time. It was the natural artifice of office to invent pretexts, and to assign a meaning to words, which did not originally belong to them; but it was too Machiavelian a policy for him to impute, that the words were originally intended as a lurking cover to the power now pretended to be founded upon them. And that the words did not bear the assumed construction, was clear; for the word *revenue*, as Mr. Mansfield's opinion stated, could never have been omitted (as Mr. Scott's opinion intimated) by a *slip*.

His Lordship now went upon a positive line of argument against the principle of both bills. As to that before the House, he stated, that its professed object was a gross abuse of power. The bill had a bad *military* principle; for our present policy of having many officers and few men, was exploded through Europe; being calculated only for patronage. Even the Prince of Orange exploded it, as a peace establishment; and it was doubly culpable in India, where a war establishment is professed; and it was doubly dishonest to siphon patronage from the Company, at the Company's expence. The bill was bad also on *economical* principles, as had been clearly proved by a variety of calculations. It was also *unjust*, respecting the Company's military officers, and the most alarming consequences were to be apprehended from it.

His Lordship next censured the bill, as covering principles ruinous in point of *policy* and *constitution*. For example, it committed Government in the eyes of all Europe, and risked the Company's trade and creditors, and brought to mind Mr. Pulteney's expressions respecting Mr. Fox's bill, "That it
 " would involve the personal interest, or rather the personal
 " power, of a formidable aristocracy in this kingdom, in the
 " preservation of our Indian territories, at all hazards;
 " which might be attended with the most serious consequences, and expose this country, not only to certain bankruptcy, but to the being left, at a critical moment, almost
 " defenceless and open to invasion." How much stronger was this reasoning, when applied to the Crown! In case of necessity also, the Company could now no longer cede possessions, without including dishonour to the Crown or Nation.
 "The bill gave likewise the whole power to the Crown; the

clauses being no check, and only rendering corruption more necessary, and impeding execution, by producing confusion and diffidence. The Board of Control would obtain the influence through the agency of the Court of Directors, and of the persons in office abroad. What was called the *Querelle Allemande* would soon be repeated; for when the German Princes, who were empowered to levy troops, but not to levy taxes, wanted money, they began by raising troops, and the taxes followed. So in the precedency, lately established in the excise and customs, in favour of a Commissioner at each Board, it was not to be supposed that Treasury recommendations of individuals would be refused, by the Commissioner saying, that the places in those departments were only to be given in the way that should preserve the balance of the constitution. In short, notoriety of a power existing any where, was the best check to its exercise. *Parliament* could be no check, for Parliament would itself be controlled by it; besides, Parliament was incompetent; it was a deity with two aspects, carrying a cornucopia and blessings to us at home, and a Medusa's head to all our dependencies. There were various examples of this; Canada was one; a still greater was America. His Lordship said, many books would be written about the causes of the American war; but he was old enough to remember, that it was the Crown's policy to keep out of Parliament's hands, till it became unable to cope with the spirit of liberty the Colonists carried out with them. Then came the unfortunate invention of a participation with Parliament, which changed its own nature, and, by acting upon monarchical and not democratic, upon executive and not legislative principles, lost her great power as a check. But happily, for the constitution at least, we lost America, as Parliament could not have administered it, and it must have destroyed all balance in the constitution. India was precisely in the situation America would have been in, had she been brought to unconditional submission; and the futility of parliamentary checks could not, in the nature of things, be so clearly exposed, as by what passed, when the papers were refused, respecting the debts of the Nabob of Arcot, where the Company was deprived of 130,000l. per annum by the Board of Control, and respecting the tribute of the Rajah of Tanjore, where it was deprived, contrary to promise, of 120,000l. per annum. In the former case, there was a gross violation of the 37th section of 24th George III. and a collusive struggle countenanced between debtor and creditor, to the Company's detriment. The very allegation that Parliament was blameless of certain things in India, because it could not know them, shewed how unfit she was to act an extensive part; and after she had acted, she was certainly unfit

fit to fit in judgement. Parliament was only to be reserved to act judicially. There was a farther objection to be drawn from considering to whom the power was given. It was giving sheep to the lion; to candidates for political power, who had got up three fourths of the ladder, and only wanted this to get over the other fourth. Lord Clive had said, flesh and blood could not withstand temptation in India; but could it do so any where? and was not power still more difficult to withstand than money? As to the *commerce* of the Company, it must be destroyed, as being made subordinate to what respected the natives, to a war establishment, and to political management.

His Lordship, in the course of his speech, observed, that it was held absurd to suppose that the bill of 1784 did not bear the construction in question, as without this construction, India would be without a system. But this was begging the question, that the system was a proper or a complete one; besides, most things were jobbed or picked up, and this act was notoriously so, to content parties. But was a negative in the Board of Control no power? Had the King no power? the Privy Council, under Poyning's law, in Ireland, no power? the Judges no power over private bills? Was not a negative an important piece in the whole game of Government? It might be shewn a most powerful principle, and adapted to produce the greatest good.

It was said too, what would become of India, should the Company not exert itself? He would ask, what would become of England, should Parliament fall asleep? It was clear, this argument would go to give the King all power.

It was alledged, that these things could never be tried in Westminster Hall; it was too great a question: but did this go to prove that it should be carried through the House, without any forms of law, or the essential ones of justice; such as hearing of grievances on one side, and the Board of Control on the other; and seeing the papers he had alluded to, which should not be taken on any private testimony, especially as there was no need of any hurry? Let a short bill be passed to send the four regiments, if wanted; give the officers rank, to prevent bad consequences; and let all meet in good humour to discuss the great question. One party might be very well content with the bill of 1784, which had given them four years government of the country, which they had little right to expect; and (if they did not slich patronage, invade rights, and figure in generosity, at the expence of others) they were welcome, for him, to twenty-four. On the other hand, the party of 1783 might be content; and considering all, perhaps they scarcely expected to see themselves white-washed as they were. It was seriously the interest

terest of all within and without our doors, to reconcile, if possible, the most difficult problem that ever occurred in the history of any country; namely how two such islands as Great Britain and Ireland should keep the Mogul empire dependent; and what was still more difficult, as well as more important, do this without ruin to itself, and without destroying our nicely-balanced and happy constitution; and it well merited immediate, but cool deliberation, free from allusion, and open to every information.

Tuesday, 18th March.

The order of the day for the House to resolve itself into a Committee of the whole House on "the bill for resolving "any doubt respecting the power of the controlling for the "affairs of India," having been moved and read, Lord Chedworth took his seat at the table, and the usual question having been put, "that the consideration of the preamble be now "postponed,"

Lord
Loughborough.

Lord *Loughborough* rising expressed his opinion, that their Lordships could not, with any sort of propriety, postpone the consideration of the preamble to a declaratory bill, because it was in the nature of the preamble of a bill of that description to contain the basis of the whole of the subsequent clauses of the bill, and to propose that question which the first enacting clause resolved if the preamble were unfounded, the whole of the bill must of course be erroneous and irrelevant; it was therefore indispensably necessary that the preamble to a declaratory bill should be first considered, adjusted, and determined, before the Committee proceeded to consider the enacting clauses.

Lord
Chancellor.

The *Lord Chancellor* observed that he had ever understood it to be the practice of the House to postpone the consideration of the preamble of bills of every description, till after they had discussed the enacting clauses, in order that the preamble might then be rendered such as would best lead to the clauses, and explain the general principle of the bill; but if, on the present occasion, the noble and learned Lord wished to consider the preamble preliminarily, he had no manner of objection to go into that consideration first.

This matter being adjusted, the preamble was read at the table, after which Lord *Loughborough* remarked that if their Lordships would take the trouble to examine the preamble, they would find that an egregious inaccuracy had occurred. After the words, "in the manner in the said act directed," the words, "And whereas the Court of Directors of the said "Company is required by the said act to pay due obedience "to, and to be governed and bound by, such orders and directions as the said Court shall from time to time receive "from

“ from the said Board touching the civil or military government and revenues of the said possessions,” were copied from the close of section eleven of the bill of the 24th of the King, the whole of which section related merely to the means provided “ to the intent that the said Board may be duly informed of all transactions of the said Company, in respect “ to the management of their concerns in the East Indies.” by giving them access to all papers and muniments of the Company, and requiring and directing that the Court of Directors shall deliver to the Board copies of all minutes, orders, &c. Lord Loughborough reasoned upon this clause, and urged the absolute necessity of an alteration and amendment in the preamble of the bill, to reconcile it to sense and reason. He concluded with declaring, that if no other Peer would move an amendment, he would propose to insert the whole of the eleventh section of the 24th of George III. in the preamble, which would necessarily prove rather a prolix amendment.

The *Lord Chancellor* declared that he could not avoid understanding both the preamble to the bill, and the words which it adopted out of the 24th of the present King, very differently from the noble and learned Lord. He stated what he conceived to have been the origin and object of the institution of the Board of Control, the powers with which it was vested in 1784, and the extent of those powers, as recognized and declared by the present bill. With regard to the words adopted in the preamble of the bill then before the Committee, from the eleventh section of the act of 1784, those words appeared to him very clearly to give the powers that the present bill declared the Board to possess. He should therefore wish the preamble to stand as it did, without alteration or amendment.

The Lord
Chancellor

Lord *Loughborough* answered that the noble and learned Lord had gone more at large than was necessary, and considerably farther than he would pretend to follow him, because as he should think it his duty, in another stage of the bill, to go more at length into a discussion of the whole subject, he did not wish to trespass long upon the patience of the Committee. The noble and learned Lord, he observed, had put a very different construction upon the bill, to that which he conceived to belong to it; but he was willing to take it in that point of view. Even then, he said, the preamble would be imperfect, and therefore he should advise the adopting a few explanatory words, declaring that doubts had been entertained of the Board of Control's being empowered to originate dispatches.

Lord
Loughborough.

The *Lord Chancellor* still objected, assigning reasons to prove that as the preamble ran, it was clear and explicit, and that it stood in need of no amendment.

The Lord
Chancellor

Lord

Lord Portchester. Lord Portchester argued from the eleventh, twelfth, and thirteenth clauses of the act of 1784, to support his assertion, that the first amendment suggested by Lord Loughborough, viz. that of inserting the whole of the eleventh section of the 24th of the King, in the preamble of the present bill, was indispensably necessary. He contended that the part or close of the eleventh section of the act of 1784, adopted in the preamble, had a preamble of its own, in the act from whence it was copied, and that its true meaning and import were falsified by being separated from its preamble and context. He insisted that the Board of Control had no power of originating dispatches or orders of any kind whatsoever, but under the thirteenth section of the bill of 1784, which gave them a power to prepare and send any orders or instructions to any of the East-India governments or presidencies, whenever the Court of Directors should neglect to transmit to the said Board their intended dispatches, on any subject, within fourteen days subsequent to any requisition.

Lord Hawkebury. Lord Hawkebury combating this idea, supported his doctrine by a reference to the various clauses of the bill of 1784, and said, that the fourteenth clause, in his mind, put the matter beyond all question. That clause gave the Court of Directors a right to apply by petition to His Majesty in Council, whenever the Board should send any orders or instructions to the Court of Directors, which, in the opinion of the latter, should relate to points not connected with the civil or military government and revenues of the said territories and possessions in India. It was clear therefore, since an imputed interference in the commercial concerns of the Company was the single description of case in which an appeal to His Majesty in Council was given the Court of Directors, that the Board of Control was restrained in no other. When it was considered that the Board of Commissioners had been instituted for the express purpose of superintendence and control over the affairs of such magnitude as the whole civil and military government of India, and the management of its revenues, it surely did not appear consistent with the dignity of a Board of that elevated nature, to be deprived of the most effectual means of control, and to be supposed not to have the power of sending out dispatches themselves, whenever the Court of Directors should neglect to submit necessary dispatches to their inspection, amendment and approbation.

Lord Loughborough. Lord Loughborough, on the contrary, insisted, that it was a singular mode of laying down a rule of construction in the exposition of an act of parliament, to plead the dignity of the Commissioners, and to contend, that on the ground of dignity they must have a right to order the Directors to do as they pleased. In so absurd a case a Commissioner might thus address

Address himself to the Directors: "By my dignity I order you to send such and such dispatches," just as it had been said elsewhere, *quia eo sum*, which was in fact the true character of the declaratory bill. In order to shew, that the act of 1784, as it had passed, did not give any power of originating dispatches, but under the restrictions stated in clause thirteen, Lord Loughborough produced a written paper, and a copy of the bill of 1784, as it stood before it went to the Committee. He stated, that it had been submitted to the Court of Directors for their approbation, according to the prevailing principles of those times. The bill then contained a clause, expressly empowering the Board to originate dispatches whenever they thought proper. At this the Directors took an alarm, and considering it as a total assumption of their rights, contested against it; the clause was in consequence given up, and omitted in the Committee. In conclusion he declared that, since the short amendment would not be received, he would move the long amendment, which went to the intertion of the whole eleventh clause of the bill of 1784 in the preamble.

The *Lord Chancellor* observed that he had prepared an argument against the question as he understood it to stand, but it was now changed to another question. Be it so. He would meet it on its own ground. The Chancellor then argued the preamble as it stood, and entered into a defence of Lord Hawkesbury from the sort of attack which had been made upon him. It might, he said, suit the purpose of other noble peers to advert to ridicule, for the purpose of decorating their observations; yet, as for himself, he wished only to convey a plain meaning in plain words. His near friend had not used the word *dignity* in the sense in which it had been attempted to be fastened upon him; he had not talked of the Commissioners with a view to the personal pride of the Board, as a mere shadow, but with reference to the importance of the institution, and the magnitude of the objects submitted to their management and control. The bill, he contended, clearly gave them the powers of management, the words of their oath shewed their superior sense of the superintendence and control in which they were to act, and throughout every clause almost they were given powers, that proved what was expected at their hands, and which they could not possibly effect without having those powers which the declaratory bill stated to have been given to them. With regard to the originating clause which had been said to have been omitted, what better way was there to prevent the adoption of all that gross tautology that frequently escaped in the drawing of a bill, than to omit a clause, the end of which was answered by another clause.

Lord Stormont. Lord Stormont, upon the authority of what he termed vague report, quoted observations in another place and stated, that a learned Gentleman had endeavoured to confine the argument on a narrow ground, but that another Gentleman, high in rank and station, but still more distinguished by his talents, had stood up directly, and said, "No, let not the argument be so narrowed; for all who think that the present is not a faithful explanation of the bill of 1784, this is their place to make their stand, they cannot vote for it." This (Lord Stormont added,) was open, manly conducted; but it was different ground from that which was made the ground of defence of the bill in that House.

The Lord Chancellor. The Lord Chancellor urged the impropriety of such references to what had passed elsewhere, declaring, that if the parties quoted had an opportunity of answering, in all probability they would deny, that the report of what they had said was even nearly accurate in terms.

At length, after farther conversation, the question was put, and the Committee divided,

Contents 24, Not Contents 45.

The Committee then proceeded with the enacting clauses, and Lord Radnor moved to leave out the words "and declared;" stating that he had voted for the former bill, but did not, at the time, conceive it contained any such powers as the present bill declared it did; therefore he could not vote for the words "and declared," nor could more than one noble Lord, in his opinion, vote for them.

The question being put, the Committee divided,

Contents (that the words stand part of the bill) 25

Not Contents 46

The words *European forces*, in the second enacting clause, were combated by Earl Fitzwilliam, Earl Stanhope, Lord Viscount Stormont, Lord Loughborough, and Lord Portchester, on the ground that it might be supposed to convey a power of enabling the Board of Control to keep any number of subsidiary troops in India, without the consent of Parliament; the Hanoverian regiments were likewise drawn into the conversation, as they had been before in the other House of Parliament.

Lord Walsingham, Lord Hawkesbury and Lord Sydney gave the necessary information that the Hanoverian regiments, were contracted for by the Company under a treaty with His Majesty, in his capacity as Elector of Hanover, and had no reference to the British Army.

Earl Fitzwilliam. Earl Fitzwilliam moved to change the words "European forces" to "*British forces*." The amendment was negatived without a division.

Each clause challenged more or less conversation and remark, and after they had been gone through; and

Lord *Loughborough* proposed the same additional clause that had been proposed by way of rider after the third reading by Mr. Sheridan.

L. Lough-
borough.

The clause was supported by Lord Stanhope and Lord Fitzwilliam, and opposed by Lord Walsingham, Lord Sydney, the Earl of Coventry, and the Lord Chancellor.

At length it was withdrawn by Lord Loughborough, who said, he would move it after the third reading, by way of rider.

The House adjourned.

Wednesday, 16th of March.

Viscount *Stormont*, now rising, said that, as he perceived a noble Secretary of State (the Marquis of Carmarthen) in his place, he would take that opportunity, before the important debate of the day came on, of putting a question to him, on a subject of great consequence, and which was, in his mind, highly necessary to be answered previous to their adjournment for the recess. Their Lordships would recollect, that, early in the session, when the steps taken by Government on account of the alarming state of affairs in Europe had been under discussion, and Ministers had acquired much praise and popularity for their measures, he had alluded to the armament of the court of Spain. (the other branch of the House of Bourbon) He had heard that since matters had taken a favourable turn, and the prospect of permanent peace had been brought in view, Spain had still continued to arm; the question he begged to put therefore to the noble Secretary of State was this, was Spain at that moment completely disarmed?

L. Vis-
Stormont.

Lord *Osborne* (Marquis of Carmarthen) observed that he knew not whether he should be able to give such an answer to the question, as might prove perfectly satisfactory to the noble Viscount, but, he would inform him, that the fullest assurances had been recently received from the court of Madrid, that she had not armed with any the most distant intention of disturbing the tranquillity of Europe, and that there was not the smallest reason for this country to dread any danger whatever on the occasion.

L. Lord
Osborne.

Lord *Stormont* contended that it was impolitic and dangerous for Great Britain to remain at ease upon the subject, after having completely disarmed in consequence of the agreement between Great Britain and France to disarm, while a branch of the House of Bourbon, under the immediate influence of France, was arming, and had been arming for some time past. Ministers (he declared) ought not to suffer such a circumstance, much less to rest secure upon the assurances of friendly intentions on the part of the court arming. He had been bred

L. Lord
Stormont.

in other principles, and he had accidentally had the good fortune to be the instrument of success in consequence of pursuing a different line of conduct some years since. When he said, he had been the instrument, he meant not to assume the merit to himself; he claimed none but that which arose from the attention that he had paid to the instructions sent him, and which were the instructions of a wise and politic cabinet. To that wisdom and that policy, added to the exertions of a noble friend, at that time at the head of the Admiralty, exertions which did that noble Earl the highest honour, as they were, perhaps, unequalled in the annals of any period, the success of the conduct pursued was wholly ascribable. To the professions of the court of Madrid, he was ready to impute as much sincerity as to the professions of any court of Europe. but he really believed, and knew from experience, that no court whatever was to be relied upon too implicitly. At the period to which he had alluded, no profession could have been more friendly, no assurances more unfeigned, no language more civil and flattering, than that which was then held out. But, the Ministers of that day were too wise and too vigilant to be deluded by professions alone. They saw cause to arm and prepare, and by acting upon that cause, with spirit and energy, they prolonged peace, and rendered a rupture unnecessary. While he was abroad, acting in the capacity of Ambassador and Minister, there had been several different Secretaries of State; and he must do them all the justice to say, that every one of their dispatches was grounded upon the same principles of policy to which he had alluded. Ministers ought now to act in the like manner, because the possible consequences might be highly prejudicial to this country. France had lately sent out two line of battle ships to the West Indies, contrary to stipulation; two more ships of the line were now going to the West Indies. Indeed, it was said, the object of the two last was to recall and send home the two former, but when they should arrive in the West Indies, there would at that time be four French line of battle ships in those seas, where we had no line of battle ship to oppose them in case of any thing hostile on the part of France. It was also well known that France was preparing to send six ships of the line to parade in the Mediterranean; those ships might there be joined by the whole fleet of Spain, and we had not at the time a single man of war ready for sea. Satisfaction ought to be given to that House and to the Public respecting them; but if His Majesty's Ministers were of opinion that any ill consequences could arise from their giving an explicit answer upon the subject, he would be the last man to press for such an answer; he had every reason to believe, however, that no ill consequence could possibly arise.

The order of the day for the third reading of the Declaratory bill having been read, and the question put, "that this bill do pass,"

The Earl of *Hopetoun* said, he had not been in Parliament when the bill of 1783 was in agitation, he therefore could more freely give his opinion of that of 1784. That the Board of Control had been uniformly of opinion, that they had the powers over the revenues of the territorial possessions in India, which the bill now declared them to have, was evident from one of their first acts in April 1785, within a few months of their institution having taken place. His Lordship here read the minute of their proceedings in sending out orders to Calcutta, that while there was a rupee in the Company's treasury there, the soldier must be paid, and that the discharge of the pay of the army must precede all other considerations. He reasoned upon this fact, and after stating that he spoke in that sort of character, which, in the other House, was termed a country gentleman, adduced other arguments, in support of his decided opinion that the Board always had, and ought to have, a power over the revenues of India. He therefore said he should vote for the bill. *

Earl of
Hopetoun.

The Earl of *Abingdon*, rising next, spoke as follows:

My Lords,

When I gave my assent to the act, of which this bill is now declaratory, I then stated to your Lordships my reasons for doing so, and having since had no occasion whatever to alter my opinion, but, on the contrary, to be more fixed and confirmed therein, my assent (without troubling your Lordships with any repetition of my arguments) will, as of course, go along with and follow this bill. Nor, my Lords, should I have arisen at all, was it not merely to express my surprise at the necessity which seems to have arisen for the bill that is now brought before your Lordships: and to look from noble Lords who are (not like myself) in the secret and intrigue of this business, for some explanation on this head.

Earl of
Abingdon.

When the act, of which this bill is declaratory, passed, I did conceive that if it were not in formation, it was in adoption, the very child of the East-India Company: that upon the disinheritance of another bill which had sought not only subversion to their existence, but actual ruin and destruction to the very constitution of the country, that act was taken and considered by them, as well as by the country at large, as the grand restorative of both.

And yet, my Lords, we now find this very East-India Company so managed into inconsistency with themselves, as to be ready to pull down that very golden calf which they themselves had erected for their own worship. And how shall we
account

account for this? Has the Devil got into the herd of swine? Or is it some sower of tares that is gone forth to disseminate and to scatter the seeds of civil discord in the state? Or is it, that some great political general, putting himself at the head of a scouting party of his own, is so manœuvring between the two grand armies of the Whigs and Tories, as to be ready to join either whenever the strongest of the two shall afford him the opportunity of doing so? Is this the case, my Lords? I fear it is; and would therefore wish to awaken your Lordships' attention to the plan as well as progress of these movements. For myself, I am no spy, I leave that meanness to greater men than I am; but, like other people, I may have an eye out upon this occasion: and the time may come, my Lords, when my discoveries will not be kept a secret from your Lordships. For the present, however, I have done.

Lord Portchester. Lord Portchester renewed his reasoning of the preceding day in the Committee, upon the subject of the preamble, and moved to insert the 11th section of the act of 1784, after the second word *whereas* in the preamble of the bill.

The question was put upon it and negatived.

Earl Stanhope. Earl Stanhope then moved to leave out the words *Provided always*, at the commencement of the second clause, contending that it was an error in point of form, and absolute nonsense so to introduce a positive enacting clause.

The question being put upon the amendment, it was negatived.

The Earl then moved another amendment in the same clause, viz. a whole sentence to be introduced after the word *of*, so as to limit and fix the whole aggregate number of King's troops and Company's troops, to twenty thousand two hundred and forty-five.

The question was put on this amendment, and negatived.

Ld Loughborough. After the bill had been read, Lord Loughborough rose to move the rider, which he introduced, by explaining at length, that when the Company's Charter should expire, and they should no longer hold an exclusive monopoly of trade, they would be in possession of a very considerable private estate in India, over which the Board of Commissioners ought not to have any control whatever, any more than over their commerce. The Island of Bombay (he observed) was indisputably the Company's property, by virtue of a grant from the Crown. Considerable lands round Calcutta, were also theirs by virtue of grants from different native Princes of India. They likewise held lands about Madras, the annual revenue arising from which had been stated by Governor Holwell to amount to 600,000 a year. These were all matters of private property independent of those territorial acquisitions over which they exercised sovereignty. In their private property

in India, as well as in their private trade, they ought to be left quiet, and undisturbed by the Board of Control, against whom they, in fact, had a right to shut their books, as all other private merchants had an undoubted right to shut their books against the inspection of any person whatever. In conclusion, Lord Loughborough declared that he was astonished, that such a clause, as that he was then moving, had not been inserted in the bill of 1784, as that was the fittest moment for its introduction.

The Earl of *Conventry* having observed, that the nature of the title to the territorial acquisitions of the Company, involved matters to be hereafter decided upon, added, that with regard to the two bills of 1783, and 1784, no two measures could, in his mind, be more distinct and different; but, as to any rivalry between the authors of the said bills, he did not think the subject a necessary point for his discussion. He highly respected and admired them both, as men possessing the most transcendent abilities that ever he had witnessed or heard of, since he came into the world. He, notwithstanding, felt himself justified in voting in favour of the declaratory bill.

Lord *Hawkebury* contended that it was extremely improper to admit a Rider to a declaratory bill. Parliament has always been exceedingly cautious in admitting such clauses to be annexed to bills of that nature, because every clause of a declaratory bill ought not to be passed on a sudden, but ought to go through that discussion, which could only be the case where the clauses passed through as many stages for consideration as the bill itself. The present Rider was doubly objectionable, as it referred to another bill passed in 1781, as well as to that under discussion. With regard to the possessions of the East-India Company that would remain to them in India, after their monopoly should cease, it was not clear, as yet, whether they could hold any, except what they possessed by royal grants. The Island of Bombay fell evidently under that description; but it would be soon enough to inquire what else did of right belong to them, when the time should arrive of deciding that question, which could not at any rate take place till the year 1791, and might be at a much later period, it depending solely upon the time when they should no longer have a charter, or be permitted to hold territorial possessions, and exercise sovereignty over them.

Lord *Loughborough* expressed his surprise at the noble Lord's having objected to this clause on the ground, that the House ought to have a fuller opportunity of discussing and deliberating upon every clause of a declaratory bill, than they could do upon a Rider. "Surely the noble Peer (added Lord *Loughborough*) was not in the House the preceding evening, when I offered the clause to the Committee, in order to give the

Earl of
Conventry.

Lord
Hawke-
bury.

Lord
Lough-
borough.

" the House the best and most fit opportunity of discussion, " when it was objected against, and I was reduced to the " necessity of moving it as a Rider on the third reading of " the bill!" His Lordship having stated this, resumed his former argument, and mentioned the circumstance of the regiments not having been inspected by a general officer and surgeon on Friday last, when the bill had passed in the Commons. He asked, were they inspected as yet, and had they been yet completed? Was it intended to send out mere skeletons of regiments, (above one thousand men deficient in the intended number of the 2860) to India?

Lord
Sydney.

Lord Sydney answered that three of the regiments had been inspected by the Inspecting General, and by a gentleman of great experience in that line of the profession, (the Deputy Inspector General) and the deficiencies upon the whole 2860 were about 1000 men, but, only three of the regiments were meant to be sent to India by the present ships. The fourth regiment was to remain at home till completed.

L^d Lough-
borough.

Lord Loughborough thanked the noble Lord for his very explicit answer, and proceeded to urge farther arguments in proof that care ought to be taken to guard against the possibility of the interference of the Board of Control with the concerns of the Company, as they had interfered with the commercial concerns already, contrary to law.

Lord
Walsingham

Lord Walsingham answered, in explanation, that the fact in question, relative to their having altered a commercial dispatch, was that intended to be sent through the medium of the Secret Committee, to purchase 15000 pounds worth of cotton for their China trade. The cotton trade had been suffered to fall into the hands of the free merchants, and the Company's servants, on their own account. The dispatch having been sent to the Board, they observed in it these words: " Cotton-makers are under your control." Now there was no such thing as a Cotton-maker, the correct expression was a Cotton-grower; and in the same dispatch the district in which the cotton was grown, was considered and treated as part of the Company's territories; whereas the fact was that by the late treaty of peace it was ceded from out of their hands, part of it to Scindia, and part to the Mahrattas. The board had, therefore, done no more than correct the errors of the dispatch, but had not originated the measure, nor had any other share in it besides making the alterations he had mentioned, and putting their signatures and seals to it.

L^d. Lough-
borough.

Lord Loughborough ridiculed the superior knowledge in mercantile style which the Board of Control possessed over a few private merchants in Leadenhall-street. and said, in such terms as these, *per la?*, *as before advised*, *as per invoice*, and a variety of others equally important, they undoubtedly had no equals. Lord Loughborough, then moved his clause.

The

The question was put upon it and negative.

The question, "That this bill do pass," was then put by the Lord Chancellor, and then the main debate on the principle of the bill, and the whole consideration of the subject commenced as follows:

Viscount Stormont answered, in explanation, that although he declared his sentiments on the present measure, he could not ~~trouble~~ troubling the Lordships with a few additional observations, but with which he would not take up much of their time. He had already been unfortunate enough to state some doubts on another subject, to which those to whom they were more inmediately addressed had not vouchsafed to give any answer. The secrecy and silence enjoined by Pythagoras had been strictly observed—what the Pythagoras of the day might be he did not know. He reminded their Lordships that they were now going to give to the Board of Control that power and authority over the territorial revenues, over the whole affairs of the East-India Company, civil, military, and political, which they had in 1753 refused to give to another Board. This would convince the world that their objection had not been to measures, but to men.

It was a mockery to deny that they had the patronage directly which they exercised circuitously, and to say that they had no the power of appointing themselves, when they exercised that of putting a negative on the appointments of the Directors. What had they said to a person so appointed? "If a voyage to India be necessary to your health, or desirable for your pleasure, we will not, we cannot object to it. Go on board, sail for India, and we will add to your voyage thither the benefit, or the pleasure of a voyage back again; for, as soon as you arrive, we will recall you," If this was not patronage, what name would their Lordships please to give it?

Vilcount Stormont now added, that he had good authority for declaring that a compact had been made in 1784, between the Minister and the Company, that a paper to that effect had been drawn up, to which the Chancellor of the Exchequer, and the person who acted as agent for the Company, had set their hands and seals. He believed that this paper was still in existence. He declared as a man of honour that he knew not its contents, but he appealed to their Lordships if it was not fair to argue, that where two parties met, whether Kings or private persons, unless the one could hold a dagger to the breast of the other, the substance of their agreement could not be a total dereliction of the rights of one of them without any equivalent. The Company, therefore, if they were deprived of their rights, must have been imposed upon, must have been deceived, for it was not to be supposed that they would tamely yield up in 1784 what they had successfully defended in 1783.

Yet this was the first act of a political character of unspotted purity; a person unpractised in deceit, unhackneyed in the ways of men. Political virtues were like other virtues, progressive in their nature. If such had been the first opening of the bud, the first flower of the blossom, what might not be expected from the maturity of the golden harvest? Where were now the arguments that had been opposed to the author of the former bill? On what grounds did the principles of the present system come forward to demand their rights? Those very powers which they had imputed to him as a critic, to ask? Was it because they dreaded his manly and transcendent abilities, because he stood in the way of their own ambition, and must be removed at any rate? He wished that to him as it was now explained, to go abroad into the world, and to be fully understood by those who had been so much alarmed and so much offended by the other. The Public might be misled for a moment, but there was in an English Public a fund of good sense, that when left to itself would detect the imposition, and resent it when detected. And although he did not think that popular opinion ought ever to sit in the seat of their Lordships in deciding on any measure, yet before the tribunal of the Public at large must the propriety of every public body come, and their propriety or impropriety be ultimately appreciated. He agreed with a noble Marquis (of Landstown) in many of the objections he had made to the bill, and said the noble Marquis had sent it reeling to the house of incurables, and given it a wound which it would never recover.

Earl
Camden.

Earl Camden (Lord President of the Council) and Lord Walsingham rose together, but the latter gave way immediately, when the former observed that, he would not have opposed himself to his noble friend for a single moment in a contest for a precedency, were it not that he wished to speak thus early, from a fear that his health would not enable him to deliver his sentiments if he staid out the whole of the debate. He had been in Ireland in the session of 1784, when the 24th of the present King passed; to all the anecdotes, little tales, and secret histories of what had been either intended, or was actually said or done, either in the House of Commons or in that House, upon the subject, at the time, he was, therefore, necessarily an entire stranger, and of course could not, if he were so inclined, mix any such allusions with what he had to say to their Lordships on the occasion. He wished to call their attention to the dry question of construction, merely to the exposition of the statute of 1784. A noble and learned Lord had on the preceding Monday laid it down as the fit rule of construction of an act of parliament, that the spirit and general purview of the act, and the meaning of its particular clauses, must be looked to; and it was to

this

this rule of construction that he was ready to subscribe, and to admit that it was the true and only rule of exposition of acts of parliament. That rule he meant to follow in considering the act of 1784, which he had read again and again, and he would argue from it closely, having no doubt but that he should be able to prove beyond all contradiction, that the declaratory bill gave the true exposition of the act of 1784, and that it could not have been intended to have been otherwise understood. His Lordship began with calling the attention of the House to the 6th section of the bill, in which it is enacted, "that the Board of Control shall be fully authorized and empowered, from time to time, to superintend, direct and control all acts, operations and concerns, which in any wise relate to the civil or military government or revenues, of the British territorial possessions in the East Indies." He wished their Lordships always to keep in mind the word *direct*; he was aware that the clause ended with the words, *in the manner herein after described*; that he meant to go into afterwards, but for a moment let those words be forgotten and put out of the question, as if they made no part of the clause. Had that been the case, there could not have existed a doubt of the intention of the act, because it would have been impossible for the Board to be able to exercise the authority and power to *direct* all acts, operations and concerns which in any wise relate to the civil or military government or revenues of the British territorial possessions in the East Indies, without having, at the same time, the power of originating orders and dispatches whenever they thought it their duty so to do. With regard to the words *in the manner herein after directed*, a reference to the subsequent clauses, in his mind clearly proved, that the Board were in the particular cases, stated and described in those clauses, directed how to act, but that did not take from them the general power of superintendence, *direction* and control in all cases not specified. He spoke of the 11th clause as illustrative of this part of his argument, and having commented upon it, took notice of the 13th, in which the word "Revenues" is omitted, and civil or military government are the terms only used. That might, he observe, be an accidental omission; but coupling that clause with the 11th, and taking the general purview of the bill into consideration, it was impossible to conceive that the Board were not equally vested with a power to originate dispatches in regard to the application of the revenues of the territorial possessions in the East Indies, as in regard to the civil or military government of those possessions. There was a clause in the act, which had been mentioned by a noble and learned Lord, on Monday, and which he admitted, did appear to contradict the argu-

...that he was maintaining; and that was, the 29th clause, in which it was enacted, "that no order or resolution of any General Court of the Proprietors shall be available to revoke, or rescind any act, order or resolution of the Court of Directors, after the same shall have been approved by the said Board." How that clause came into the bill, or how it was suffered to remain a part of it, was to him a matter of astonishment, because if that clause was insisted upon, it in effect annulled all the *acts and orders* of the Board, and rendered the institution perfectly nugatory, there being obviously the effect of the 29th clause, it must have been through some strange negligence that it was suffered to stand in the bill, and it ought not to be considered at having any operation whatever. His Lordship reasoned upon this point, and said, so far was he from doubting that the Board of Control had a right to apply the revenues of the British territorial possessions in India, to their protection, security and defence, he held it to be their first duty, and if they were to sacrifice that important object to the purchase of an investment, or any commercial concern, whatever, they would be guilty of a high crime and misdemeanour, and deserve impeachment. He was apt to suspect that there was some blame imputable to the Court of Directors, or the House would not have heard of any difference between them and the Board of Control, because nothing could be more clear, than that if the Court of Directors did their duty, there could arise no dispute about the government of India. He expatiated on this idea, and appealed to the understandings and recollection of every man who heard him, whether the negligence or the want of capacity of the East India Company and their Court of Directors to govern India, had not made it necessary for the Legislature to interfere and appoint a Board of Superintendence, Direction and Control, to guard against the dangers of any mismanagement. That Board being once appointed, was it consistent with reason and good sense, that it should be so ill instituted, and armed with such inefficient powers, that if the Court of Directors chose to sit with their arms across, doing nothing, the Board could not of themselves act, where they saw it was actually necessary to send out orders and dispatches? The very nature of the case proved the contrary. There must be a paramount power, a power to direct, lodged somewhere. If that power was not vested, by the act of 1784, in the Board of Control, he begged to be informed where it was vested? The Board of Commissioners, it would perhaps be suggested, might abuse their power. In like manner, the Governor General and Council of Bengal, the Governor and Council of the Presidency

of Fort St. George, and the Governor and Council of the Presidency of Bombay (all of whom were invested with large and extensive powers in their respective districts) might abuse their powers. Let it be remembered that they were all charged with responsibility, and were amenable to the laws of their country for their conduct. Let it also be remembered, that it was indispensably necessary that there should exist some sovereign authority over the Company's affairs in England, and in what hands could it more safely or more expediently be placed than in the hands of a Board of Commissioners, all of whom Members of Parliament, appointed by the crown, and headed by two of His Majesty's principal Ministers, the Chancellor of the Exchequer, and the Secretary of State for the Southern department? Upon a fair consideration, therefore, of the spirit and general purview of the act of 1784 and of its clauses, it appeared to him demonstrably clear, that the present declaratory bill did contain a sound and just exposition of that statute.

In the course of the debates in that House on the present bill, much had been said on the nature of declaratory bills, on their infrequency, and on their danger. Two declaratory bills had been alluded to, but neither of them much in point; in the progress of his researches, he had met with another, a declaratory bill that came more immediately in parallel with the bill then under consideration. In the reign of Queen Anne, an act had passed for the naturalization of all the children of British parents, such children being born abroad. That act remained in force fourteen years, and then, in the 4th of Geo. II. 1731, a declaratory bill was brought in to explain the act of the 4th of Queen Anne, and to declare that the intention and meaning of that statute was not to extend to the children of British parents under attainder for high treason. His Lordship said, he would not enter into any discussion of the ground and principle of the declaratory act to which he alluded; it was sufficient for him to state the fact, and to observe, that enacting clauses made a part of that bill as well as of the present. There was an opposition at the time, but he could not find that there had been any debate upon the bill; what he had mentioned, however, would serve to shew, that declaratory bills had passed without alarm to the friends of the constitution, and without objection, although framed like the declaratory bill then before their Lordships.

Though in office himself, he declared he honoured an opposition; and he had no scruple to say, that he thought an opposition of great service to the country, when conducted on public principles. Opposition awed Ministers, and kept them vigilant. It checked their career, put them upon their guard, taught them where error lay, and how to correct it. But he could

could not reasonably account for the conduct of the present opposition. A great part of their object in the debates in both Houses seemed to have been, to make it appear that the India bill of 1784 was of equal extent, with respect to violence and assumption of power, with that of 1783. If he seriously thought the bill of 1784 half as bad as the bill of 1783, his Lordship declared, he would not only oppose the present declaratory bill, but resign his place the next day. Both bills undoubtedly broke in upon the chartered rights of the Company. [A cry of hear, hear!] The fact was, that he desired any man to say, "who should cast the first stone?" A question was made of who had been the foremost to trench upon the Company's charter? It was done by the bill of 1773, and by the bill of 1781, and it was clearly done by each of the two bills now talked of as comparative, the bills of 1783 and 1784. In fact, no reform of the abuses and mal-administration of the Company's affairs in India, admitted on all hands to have existed, could have been effected, without a violation, or as he understood it was now termed, a *suspension* of the powers of the Court of Directors. The bill of eighty-three took from the East-India Company every particle of power and patronage at home and in India; it aimed not only at divesting the Directors of their power in their civil and military departments, but in their commercial. The preamble began in an extraordinary style. It stated "that disorders of an alarming nature had long prevailed, and did still continue, in the management of the territorial possessions, revenues, and commerce of this kingdom in the East Indies." This was surely an extravagant turn of expression. Who before ever heard of a commercial company having been guilty of *enormous disorders* in the conduct of their commerce, being made a plea for seizing upon all their property, power and patronage, when all were either secured to them by charter, or sanctioned by statute? The bill of 1783, however, aimed at seizing all the Company's warehouses, arsenals, ships, forts, money, bonds, and, in short, every thing they possessed, as well in India as in Europe. Were noble Lords aware of the value of such a seizure, and the patronage it gave in the first instance at home. Did they know, that the buildings in Leadenhall-street, and the various warehouses in London and its environs, were estimated at 700,000l? That the sums annually paid to tradesmen in London for goods to be exported, amounted to 700,000l. likewise; and that the freightage to India, and other expences, made up the whole a million and a half, and more? What an enormous influence would not, or rather must not, have followed from this patronage? All appointments at home and in Asia would necessarily have been subject to the Commissioners' will. The Court of Directors, like

like so many clerks, would have come howing to the levee of the author of the bill, and surrendered the keys of their house in Leadenhall street, and all the warehouses of the Company, with the most abject humility. Every tradesman employed by the Court of Directors would have felt the influence. Sail-makers, and those of the very lowest order of mechanics, might have been turned out of employment without knowing the reason. It was worthy of consideration also of whom the Board appointed by the bill of 1783 were to be composed; of party—and when he mentioned a party, his Lordship declared he meant no reflection. He had himself been of a party for some years, and had it so chanced, that he had joined with the present opposition, he should have considered himself as honoured by his company and connections. But the Members the Board appointed by the bill of 1783, were men of a certain determination, and it happened, that there was a *smack* of *coalition* in their constitution. Perhaps that was no great recommendation to the Public, any more than to him. Had that bill been carried, it was beyond speculation even to set bounds to the extent of the exercise of power that the Board of Parliamentary Commissioners might indulge in. In a year or two the Indian influence might have poured down to Westminster in a torrent, and overwhelmed both Houses of Parliament; and had his Majesty thought proper, by virtue of his undoubted prerogative, to have dismissed the author of that bill and his party from his service, they might have seen the King of Great Britain and the King of Bengal contending in Parliament for superiority. The bill of 1783, as it was truly said at the time, would have created an *imperium in imperio*, a fourth estate, that might ultimately have overthrown the constitution. If the party who brought in and supported that bill really thought as well of it as they pretended, and imagined that the present declaratory bill would open the eyes of the Public, and reconcile them to that monstrous attempt to grasp at inordinate power, he advised them by all means to take it in their hands, at the next general election, to hold it forth as the test of their political principles, and to rest their success on their promise to revive it.

Lord Grantley observed, that he should that night vote, as he had done in a division upon the same bill on a former evening, with those he was not accustomed to divide with; he wished to state his reasons for such a conduct. He had opposed the bill of 1783, because he considered it as a violation of chartered rights; and he had voted for the bill of 1784, which also violated the Company's charter, because he understood it had the consent of the Company, at least he heard of no opposition to it on the part of the Court of Directors, or

Lord
Grantley.

of the Proprietors in general. Declaratory bills were generally dangerous, and never necessary, but upon very strong and pressing exigencies, and then the exigency ought to be made out. The present bill appeared to him to be neither necessary nor fit to be adopted. If it passed, he declared he should tremble for the precedent. The act of 1784 was pronounced to warrant the exposition now given it. If that were true, and it bore the construction now contended for, what occasion was there to explain it by a declaratory bill, and declare again that what was law in 1784 was law in 1788? The title of the bill was, "A bill to remove doubts, &c." What doubts? The doubts of counsel! Not of the Crown lawyers, for they all agreed that the construction of the act of 1784 was clear and obvious. If Westminster Hall was not greatly altered since he left it, there was not an act of Parliament in the statute book, respecting the construction of which, counsel retained on different sides would not profess to entertain and state doubts; and where ought those doubts to be referred for solution? Indisputably to the courts of law, where the decision of the Judges could be legally and formally obtained. What need, therefore, was there for the Legislature to interfere in their judicial capacity? Certainly none. Objections had been stated against proceeding in the courts of law, as difficult and impracticable. The fact was otherwise. Where an act of Parliament did not specify and describe the sort of process to be pursued to punish its violation, all the common law remedies were applicable; besides, the Court of King's Bench was always open to entertain criminal prosecutions, either by information, *filed ex officio* by the Attorney General, by indictment, or by writ of *mandamus*, as alluded to by a noble and learned Lord (Brougham). With regard to the plea of delay that would arise from the four regiments not being sent out in time to India, that plea would not lay in the mouths of His Majesty's Ministers. Delay was a pretence they could never urge in justification of neglect or want of exertion. Their duty was to decide upon what was fit to be done; and having decided, they were bound to carry the determination into execution. In the case of sending out the four regiments, if they knew the measure to be necessary, they ought to have sent them out, and it by no means became them to talk of delay, when they were bound to act vigorously in all cases of real exigency. From what he had said, he hoped he had made it apparent, that the bill before their Lordships was by no means necessary. He wished it was as innocent as it was clearly unnecessary; but the reverse, he was afraid, would be found to be the fact. It had been said in debate, that if an enacting bill had been brought in, it would have been an *ex post facto* law, and would, by implication, have

have charged almost every act of the Board of Control with illegality. Was that assertion founded, and did the Board of Control mean to shelter their illegal conduct under a declaratory bill? He believed, that from their first institution, the Board had acted from the best motives, and done their country and the East-India Company most essential service, from the wisdom and the policy of their measures; but, admitting the reverse to be the case, was a declaratory bill to be resorted to by way of indemnity? In the present case, the Public and the East-India Company were parties, not actually at issue, but nearly in a similar situation; and did it become the former to interfere prematurely, and in aid of its own cause, to pass a declaratory bill? The idea was shocking to every mind in the least alive to equity or justice. If the measure of sending out the four regiments was a fit measure, (and he did not mean to argue against its being so) Government ought to have done it; and, if ultimately proved that they had done wrong, to have come to Parliament, and desired them to pass a bill to indemnify. The utmost imputation to Ministers would have been, the commission of a mistake, and where the cause of action, on the part of Government, was good, or the motive was even plausible, Parliament was ever liberal and ready to pass a bill of indemnity. Wise Ministers had always acted upon this conviction. The noble and learned Lord who had just sat down, (Lord Camden) when a Member of a former Administration, had, in a critical moment, issued a proclamation, prohibiting the exportation of corn. The publication was so obviously founded in necessity, propriety, and expediency, that the good sense of the nation went with it, and no man thought of its being an act in open violation of the law; but the noble and learned Lord, scrupulous of establishing a precedent that might hereafter be perverted to abuse, and to a dangerous violation of the constitution, came to Parliament and desired a bill of indemnity, which was immediately and cordially granted him. His Lordship mentioned a case that had occurred in Council, when he was present, where a bill of indemnity had been suggested, which he had opposed as unnecessary; the case coming, in his opinion, clearly within the law.

Lord Fortescue argued, that it was not a question of private right, but a public question; and upon that ground he defended the bill.

Lord Fortescue.

Lord Hawke opposed the bill, and explained the circumstances of the declaratory bill of the 4th of George II. alluded to by Lord Camden, adding observations, to shew that the House ought not to pass such a bill as the present bill.

Lord Hawke.

Lord Oxley begged leave to observe, that he thought his noble friend (Lord Grantley) had not fully con-

Lord Oxley.

sidered the whole of the subject, because it appeared to him, that if the House did not pass the declaratory bill, they would in effect give an opinion the reverse of that to be drawn from passing the bill, and consequently do much mischief.

1.1 Lough-
rough.

Lord *Loughborough* remarked, that it had been his intention to have called upon their Lordships to favour him with some considerable portion of their patience, while he entered minutely into a discussion of the whole of the subject, but the very able and correct manner in which the noble and learned Lord, who spoke lately in the debate (Lord *Grantley*) had argued upon the present bill's being both unnecessary and dangerous, had happily saved the House much time, and him much trouble. He should, however, think it his duty, as shortly as possible, to state a few observations that occurred to his mind, as immediately applicable, and as indispensably necessary for their Lordships to attend to. It had been very truly said, that declaratory bills were always dangerous. They undoubtedly were so, because, when those who made laws took upon them judicially, and in a capacity very different from that of Legislators, to expound their meaning, infinite mischief was to be dreaded. Nothing surely could be more alarming, than for those who were to act under a law, to take upon themselves to pronounce upon its extent, and to define the limits of their own authority. Whenever such an attempt was made, the effect usually was (what the effect of the present declaratory bill would be, if it passed into a law) a declaration that their authority had no bounds or limits whatever. From the history of statutes, declaratory laws were rather to be considered as points to point out those rocks and shoals that were to be shunned and avoided as dangerous, than as precedents or examples for imitation. Open the statute book, and it was scarcely possible to find a single declaratory law, but some dire misfortune followed close behind. Let their Lordships, for a moment, call to mind the declaratory law respecting America, and they would instantly recollect the unfortunate consequences that followed. Let them reflect on the declaratory bill in the case of Ireland. Ireland had, for a series of years, been willing to be governed in all appeals by the decision of one branch of the Legislature of this country. They had felt and acknowledged the security of reposing confidence in a jurisdiction, that was more likely to be impartial, and to have less bias than their own House of Lords; and, as a proof that they did so, the records of their House of Commons contained various representations against their House of Lords, and complaints of their having acted partially and unjustly. The solitary precedent of a declaratory bill, stated by the noble and learned Earl (*Camden*) in its consequence, afforded a gloomy proof of the bad effects of such

such bills. Perhaps, his private opinion was, that the declaratory act of George the Second truly pronounced the construction of the act of the 4th of Queen Anne; but what was the effect of that construction being declared? Universal alarm and universal complaint! The Public saw with horror the right of an heir, unborn when the act of Queen Anne passed, and necessarily innocent of his father's crimes, taken away by an *ex post facto* law. There was something so glaringly unjust, and at the same time so cruel in such an exercise of power, that many minds were shocked at the instance, and with one consent broke out in condemnation and censure. His Lordship pointed out the distinction between declaratory bills passed with a view to ascertain advantages to the subject, and with a view to authorize the extent of their restriction. The latter were always odious, and considered as the instruments of tyranny, while the former were looked to with reverence, with gratitude, and with admiration. Of that description was the Bill of Rights, a bill recognizing the legal claims of the subject, in opposition to the encroachments of prerogative and the stretches of arbitrary power.

Lord Loughborough next proceeded to answer the arguments of Lord Camden, upon the several clauses of the bill, and said, that although the doctrine that the control of civil and military government would be nothing, without the control and direction of the revenue, appeared to be plain and plausible doctrine, it could only be well understood in France and other despotic countries. In Great Britain, the constitution has ordered it otherwise, and the executive power was not suffered to hold the public purse, the benefits of which system of separation were so obvious and so undeniably excellent, that it would be a waste of words to enter into any argument to further its elucidation. The noble and learned Lord had done him the honour to observe, that he had, on the preceding Monday, pointed out a clause in the act of 1784, the 29th, which, if allowed to be of any force, did annul all the active powers of the Board of Control. The noble and learned Earl's reasoning upon this clause had been somewhat extraordinary. The clause gave the Court of Proprietors a power of revoking and rescinding any act, order, resolution, matter, or proceeding of the Court of Directors, not approved by the Board of Control, and as this power was not consonant to the construction now wished to be put upon the act of 1784, the noble and learned Earl says to the clause—*nil operatur!* Did the noble and learned Earl mean to confess that the clause was originally put into the act, merely to gall the proprietors into an acquiescence with the bill, under the delusive idea that their powers were not wholly annihilated, and that now, when the period for plain dealing was ripe, it was necessary they

should be told, "Don't rely on the 29th clause; it is true, it gives you an effectual check upon the Company's affairs, but as it would annul the active powers of the Board of Control, you are to consider the clause as having found its way into the act through some strange inadvertency, and though its words bear an obvious and undeniable meaning, *"nil operatur!"*"

Lord Loughborough reprobated the claim of the Board of Control to exercise an unlimited power of Superintendence, direction, and control over the revenues of the British territorial possessions in India, and observed, that whenever the supporters of the present bill talked of the Board's authority touching the revenues of Bengal, that *taking* those revenues was to be understood; the word *taking*, in their sense of it, changing its nature, and instead of a simple participle, becoming a possessive verb. He asked, where the right of applying the revenues of the Company in India as the Board of Control thought proper, had a precedent? Was there any such power vested in the assignees of a commission of bankruptcy? Had the Board been appointed guardians of the infancy of the Company, trustees in a commission of lunacy against it, or even, if it were possible guardians of their dotage, he desired any man to prove that they would have had a right to exercise any such extraordinary power. In the course of the preliminary debate of that day, he had taken the liberty of applying to a noble Secretary of State for information respecting the state of the four regiments to authorize the sending out of which to India was the professed object of the bill, and it was but justice to the noble Lord to acknowledge, that he had given him a very candid answer. He had been given to understand explicitly, that three of the regiments only were intended to be now sent out, and that the fourth was meant to be kept in England for an indefinite and unlimited term. Had noble Lords heard, and heard without emotion, that it was intended to maintain at home, in this country, a regiment not voted by Parliament as part of the establishment, and not paid by Parliament, but paid out of the revenues of India? Would Ministers dare to maintain in England a regiment neither paid by Parliament, nor mentioned in the mutiny bill? Would they dare to billet soldiers on British subjects, who were not amenable to martial law? Would they dare thus to violate the Bill of Rights, and the principles established at the Revolution? If they had dared to venture this length, he advised them to bring in a bill of indemnity without delay, or if they rather chose to follow their own precedent, to pass another declaratory bill. He could not say what the law then was, but he knew what the law had been in the year 1688. At that time, it was considered as impossible to make soldiers

of a regiment neither recognized by the mutiny bill, nor paid by Parliament. If all the valuable principles of the constitution were not meant to be destroyed at once, if the principles of the Revolution were not become so old as to have grown obsolete, or were not yet so covered with the rust of antiquity, as to be no longer discernable, he trusted Ministers would take some means of marking their intention of keeping the fourth regiment at home, and justifying it on the ground of necessity. Perhaps, he should hear that the Declaration of Rights had been distorted by a banditti, a gang little better than highwaymen, from whom the great and good had separated, as soon as the hurry of the moment, which by accident huddled them together, had enabled them to choose better company. He was sorry to find that the wretched pamphleteers of the times were so enraged to treat those, to whom the enjoyment of our liberties, and the restoration of our constitution were as dear as life, with so little reverence and respect.

Singular, indeed, was the freedom, and indecent the contempt, with which it appeared to be the boast of some modern writers to speak of the Revolution, and the great and distinguished characters who effected that glorious work. His Lordship apologized for having troubled the House so long, but said, late as it was, it could not be expected that he should sit down, without making some observations upon the comparison, which the noble and learned Earl had thought proper to make between the two Exchequer bills, that of 1773, and that of 1784. The noble and learned Earl had read the preamble of the bill of 1783, and had assumed something like an air of triumph, on finding, that delinquency in the commerce of the Company had been stated among the other abuses, making up the sum of delinquency in the Court of Directors, that called for the interference of Parliament; and yet the noble and learned Earl had stated, that general delinquency was the ground of justification of the bill of 1784. It was rather a whimsical revolution of political sentiment, that the noble and learned Earl should have objected to the bill of 1783, because it stated the delinquency of the Court of Directors, and should have assigned that very delinquency as the ground of his assent and support to the bill of 1784. The fact was, the one bill in a direct manner charged the delinquency, and for the limited term of four years suspended the powers of the Court of Directors; the other delusively aimed at inducing them to believe that those powers were left standing, but they at the same time found that they were left blind, deaf, dumb, and with their hands tied. The bill of 1783 had been most partially quoted and untruly stated with uncommon industry in all parts of the kingdom. At a county meeting holden at York, a part of it only had been read, and a construction palpably

palpably false, to those who had an opportunity of perusing the bill, had been put upon it; and, under that deception, the meeting had separated. The consequence was, the misinterpretation of the bill spread through Yorkshire, and among a variety of other counties: he had heard of one conversation which passed between two freeholders in that part of England. One of them, speaking of the noble Earl behind him, (Lord Fitzwilliam) said, "He and his Board have taken all the patronage of the Company"—"Has he!" says the other, "why then I am sure he'll bring a good deal of it down to Wentworth." Their Lordships, from what they had heard that day, must now confess, that the two bills stood nearly upon the same ground, at least as to the reason upon which the power was taken out of the hands of the Directors. The noble and learned Earl, however, had thought proper to remark, that the powers assumed by the act of 1783, were to be given into the hands of a party, and that the Board of Commissioners had a smack of coalition in it, clearly alluding to an honourable gentleman, the son of a noble friend of his, (who had been Minister of the country) a man of as amiable virtues, as much private worth and integrity, as any individual that either graced the senate, or decorated human society. Was there nothing of party, no smack of coalition, in the Board of Control? Was there not a noble Lord, for instance, who used, when he had himself the honour to be a Member of the House of Commons, to inveigh vehemently against that unfortunate, and as the noble Lord then termed it, *accursed* American war? that ruinous and *flavation* war, which a learned friend of his was at that time somewhat more than suspected of abetting? Was not the noble Lord accustomed to reprobate Treasury interference, and the undue influence of Treasury letters? Were there not such things in existence, as the exertion of that influence, and the circulation of those letters? He remembered when a learned friend of his and the noble Lord used to wage eternal war on those topics, and yet they were now perfectly cordial, other Members of that Board had formerly stood forward equally opposite as partizans, there was, nevertheless, nothing like a smack of coalition in all this! It was doubtless an agreement of parts, a harmony, a fitness arising from the absence of every thing rough and excrement, all asperities were smoothed down, and the conjunction was perfect and complete!

His Lordship took occasion to mention Lord North in this part of his speech, and said the noble Lord laboured under a severe misfortune inflicted by the hand of Providence, but he bore it patiently and cheerfully, deriving abundant comfort from the resources of his own mind, and the attachment, friendship, daily resort, and concurrence of those, who pro-

fessed themselves his adherents in the hour of his power and his prosperity, and having so professed themselves on principles of sincerity and honour, still remained the noble Lord's zealous friends. The noble Lord, perhaps, felt his consolation not a little heightened and increased by the absence of those, who had basked in the sunshine of his better fortune, but who felt the first northerly blast too strong for their constitutions to endure, vigorous and robust as some of them were.

The noble and learned Earl had taken pains to paint the patronage given the Board of Commissioners by the bill of 1783, in broad and glaring colours. Had the Board of Control no patronage? Had they no share of the appointments of the late Governor General of Bengal, the Governor of Madras, and the Commander in Chief? The Board of Commissioners, the noble and learned Earl had said, would have overwhelmed both Houses of Parliament with Indian influence. Were there not to be found any traces of that influence in the present House of Commons? Had no Nabobs, with hard names, found their way into that House since the year 1784? Had no New Romney, and a variety of other boroughs that memory might suggest, felt the happy effects of Indian influence? Had not a Nabob descended on New Romney, like another Jupiter, in a shower of gold? Such things were rumoured. The fact was, the bill of his right honourable friend, like his now mind, was manly and open. He was above the meanness of concealment, and scorned the scandalous baseness of a lie. His life and manners, whatever they were, were public; they were explicit and avowed. His right honourable friend had asserted, and asserted openly, that the patronage and the power were inseparable; and as the best possible guard against abuse, he had placed the patronage in the hands of honourable men with complete responsibility. What did the other bill do? His expression failed him. He could not find an adequate term to describe its operation on this side *Bow-street*! It stole the patronage, and put it in the pockets of the Board of Control; it took that privately by stealth, which it dared not avow and claim as a right. The noble and learned Earl had said, if those who brought in the bill of 1783 thought so highly of it as they pretended to do, he advised them to go to the general election with that bill in their hands. Be it so, his honourable friends would take the noble and learned Earl's hint; and as they now understood from the noble and learned Earl, that a general election was near, they would be proud to rest their claims to public favour on the test of comparison between the two bills. Delusion was now over, and misrepresentation and falsehood stood confuted and detected. His right honourable friend had rea-
son

son to be proud of that day, nor was that his only triumph. Out of place, he possessed patronage, and patronage of the noblest kind—the protection of defenceless millions! A species of patronage more congenial to his mind than any other description of patronage whatever. The unremitting exercise of that patronage was the best answer to the calumny and slander which, in the hour of popular phrenzy, industrious clamour had cast upon his name. The great political principle of his right honourable friend was that of an honest and amiable ambition, the reverse of low cunning and sordid avarice. Lord Loughborough concluded his speech with a declaration that his honourable friends would go to the next general election, confident of success, with the India bills in their hands; that of 1783 in one hand, as commented upon by its enemies, and the bill of 1784 in the other, as now explained by its friends!

The Lord
Chancellor.

The Lord Chancellor, rising towards the close of the debate, observed, that at so advanced an hour, he should be unpardonable, were he to trespass on the patience of the House, by going into any argument that did not immediately relate to the question in consideration. He hoped, therefore, he should be forgiven, if he took no notice of some parts of the speech of the noble and learned Lord who had just sat down. It was not his intention to draw any comparison between the present bill and any other, nor between the characters of individuals; as both were equally foreign to the question at issue. He contended, that the object of the present bill did not relate to the question of right between the Crown and the subject, it had been brought forward on general principles of policy; on grounds that did not concern the private rights of the Company, but solely respecting the management, the superintendence, and control of their territorial, civil and military concerns. The real state of the question before the House, was not whether the act of 1784 was a wise and proper measure, but whether the present bill is a just exposition of that act. He insisted that it was a fair declaration of the powers invested in the Commissioners for the affairs of India, and that so far from giving them additional powers, it restrained them from the exercise of some which they possessed under the former act; they had voluntarily dispensed with the patronage which they might have exercised, for, they had voluntarily called for checks to limit their powers; this surely was no proof that they were desirous of extending their influence. The noble and learned Lord had put a question, desiring to know whether the Commissioners of Bankrupts had a power of appropriating the effects of bankrupts, without the consent of the party. They certainly had a power to direct the application of the funds

funds of every bankrupt for the benefit of the creditors, just in the same manner as the Commissioners for the affairs of India could apply the territorial revenues of that country to the payment of the troops which were necessary for its defence. This was a position which he conceived made more for his argument than against it; but admitting the full force of what the noble and learned Lord had argued, that if the defence of their possessions should leave them nothing for the purposes of investment, they must of necessity become bankrupts; would their situation be much mended, if they were suffered to apply their whole territorial revenues to commercial purposes, and leave their possessions to the mercy of an enemy? Was this the way to save them from ruin and bankruptcy? He lamented that he had not an opportunity of consulting the calculations which a noble Marquis (Lansdown) had, with so much ingenuity, reasoned upon during a preceding debate. He lamented that the anecdotes which he then heard, had made so little impression on his mind, that he did not now recollect for what purpose they had been introduced. With regard to the power of originating dispatches, on which so much had been said, he thought the difference of opinion on that part of the question related more to words than to substance, for, it would not, surely, be contended that the Board of Control, in allowing or amending the dispatches of the Court of Directors, were so tied down by act of Parliament, that they could not suggest a single idea which had not been laid before them; and yet this was all the originating power they claimed, except in cases where the Directors neglected to send any dispatches at all. As to the appropriation of the revenue, if it be admitted that the Board of Control are invested with the management and direction of the civil and military government of India, it was absurd to contend that they were not to have the power of directing the application of the revenue to the necessary purposes of the arrangement of those concerns. These were, in fact, the only two points on which there was any material difference of opinion, and he appealed to the very words of the act of 1784, which his noble friend (Lord Camden) had so fairly stated, that the bill was a fair interpretation of that act; that it was not a question which ought to be left to the determination of the Courts in Westminster Hall; but that as a measure of general policy, it belonged only to Parliament to determine it. The construction contended for, was no stretch whatsoever of the original act. The face of the noble Marquis, indeed, spoke denial; yet, he could venture to assert, that he was well grounded in his position.

The Marquis of *Lansdown* expressed his surprize at the doctrine which the noble and learned Lord (Chancellor) had

Marquis of
Lansdown.

thought proper to maintain, when he contended that the present was a question which ought not to be left to the courts in Westminster Hall. He should be glad to know on what foundation this species of general policy rested? Was not the general policy of this country founded upon its law, upon its constitution, upon its freedom? and were not the law and the constitution synonymous terms? Would the learned Lord presume to say that the great questions resulting from the government, the finance, and the trade of the Empire, did not rest solely for support upon the principles of the constitution, under the directions of the courts of law? Was that fundamental principle, the trial by jury, to be attacked by an authority, whose peculiar duty it was to protect it? Were the eloquent and powerful arguments of the noble Lord near him, (turning to Lord Loughborough) to be passed over in this light and trivial manner? If such was the new-fangled interpretation of general policy from such a quarter, it was an ill omen indeed! As to the sarcasms which he had been pleased to direct against him; he should neither be deterred by the looks, howsoever commanding, nor the talents of the learned Lord, from asserting his opinions in that House on any public question. The noble Lord was welcome to profit from his calculations, if he wished to reap the benefit of them. Knowing them to be founded in truth, he was not ashamed to look him in the face, and to tell him that the present bill was a base violation of the rights and privileges of the East-India Company. He insisted, that by the act of 1784, the power of appropriating the revenue, did not follow the right of control which the Commissioners claimed over the civil and military concerns of the Company, and that it was not the necessary consequence of a power of control. It was true, indeed, that the executive Government of France had the sole appropriation of its revenues, and to this the present low state of its finances was owing.—Let those who doubted this, look at that great financier, Neckar—let them consult a very considerable man who was once at the head of the finances of that country, and who is now present, (Mons. Calonne) they will demonstrate the impolicy of that maxim, and shew it is contrary to the principles of good government, in the bad effects it has produced in the decline of the finances of France. Louis the XIVth, unhappily for his subjects, preferred the tinsel vanity of being a Conqueror, in opposition to the solid happiness of his people, arising from a well-regulated commerce and government. He trusted, that whatever resolution might be adopted with regard to the renewal of the Company's charter, Government would consider the rights of the stockholder and of the creditor.

His

His Lordship acknowledged, that a great and comprehensive system for that government was become absolutely necessary. He, for one, was ready to go immediately into the subject with expedition and effect. He thought it should not be delayed a moment; he was ready to join any party, either in or out of power, to effectuate so desirable and great a purpose. It appeared to him of such magnitude, and, indeed, it had appeared so to the nation at large; for, it seemed to him, that every measure of Government had, for many years past, and during the progress of several successive Administrations, either primarily or ultimately turned upon Indian politics. The Marquis next adverted to the precipitancy with which the bill had been hurried through the House. It was, undoubtedly, highly important in many points of view, and yet three days had been deemed sufficient for the discussion of a question of such magnitude. He said he had, that morning, looked into the history of the bill of 1784, and found that its progress had also been marked with similar haste, when only a few Peers attended the House; yet to that *well digested law* we are now called to look up for the government of our dominions, and the management of the affairs of the East-India Company.

Could he have conceived that such precipitancy could have been suffered to prevail, he certainly should have attended the first day, when the bill was brought up. Unwilling as he was to trouble the House, although he had much reason to thank the noble members for their kind indulgence to his feeble arguments, yet he should have called for papers—he should have demanded the Court of Directors to appear at the bar of that House, and upon their oaths have declared what construction they had put upon the act of 1784, and have answered whether *they* had considered themselves as having surrendered all the power and patronage of the Company, the origination of dispatches, and the application of the revenues, into the hands of the Board of Control. And even if this question had been affirmed, he was bound in duty to oppose the present bill, as a most dangerous extension of power, which he was well assured would alarm the neighbouring powers.

He believed that the affairs of the Company abroad could not be in better hands than they were at present. He reflected with pleasure on his being the first man who had suggested the name of Lord Cornwallis as a proper person to assume the reins of government in Bengal, and Sir Archibald Campbell had been appointed by him Governor of Jamaica on the recommendation of merit solely; for it was well known that some of that gentleman's relations were hostile to his politics; but he desired that the Board of Control might be limited to the

the powers of control, and not invested with the powers of appropriation. Power was a dangerous engine in whatever hands it was placed.

His Lordship declared it was a pleasing reflection to him, that at the conclusion of the late peace, he and his colleagues in office had laid down their plan for the conduct of India affairs. It was, to suffer the patronage to remain in the hands of the Company, but to controul them so far as to divert their attention from the idle schemes of power and extension of territory, to the more solid and beneficial views of trade, from which he was convinced that every permanent degree of strength and power must ultimately be derived to a commercial country. He was convinced that the Company, under proper regulations, (which he again asserted were absolutely necessary to be immediately entered upon) might extend the trade to a very great degree indeed. It would not be too bold, perhaps, to assert, that in a few years, it might be increased ten-fold. His Lordship then pointed out the different parts of that quarter of the globe where fresh sources of trade might be discovered, and applied to the infinite benefit of the kingdom. He appealed to the House upon the dangerous tendency of the bill; but added, let the fate of the question be what it may, (perhaps it was already determined) he must rest satisfied in having done his duty to his country and posterity, in having given his determined opposition to the bill.

Lord
Sydney

Lord Sydney rose to speak to a few facts that had been mentioned by Lord Stormont and Lord Loughborough in the course of the debate. He related the circumstances of the transaction relative to Mr. Holland, who had, at one time, been named Governor of Madras, and his nomination annulled, declaring that the reason had been, at that particular period, that the arrangement of the payment of the debts of the Nabob of Arcot, was to be the first measure to be proceeded on by the new governor on his arrival at Fort St. George, and as Mr. Holland was himself a very considerable creditor, it was deemed unfit that he should go to Madras as Governor, under such circumstances. With regard to the agreement alluded to by the noble Viscount, he never had heard a syllable of any such paper before the noble Viscount mentioned it.

Duke of
Richmond

The Duke of Richmond rose to clear himself from a reflection of Lord Loughborough, on his conduct in regard to his having declared that he had opposed the bill of 1784, because it went the length which the Declaratory bill imputed to it as its true construction; and, yet, at the same time, observed that he should support that bill. The Duke declared that this was easily solved and explained. The present bill consisted

ed of two distinct parts, its exposition of the act of 1784, and of several enacting clauses, containing checks and restraints upon that patronage, the unrestrained exercise of which had been his reason for disapproving and opposing the act of 1784. He must necessarily agree to an exposition of the act of 1784, which perfectly coincided with what he had at the time of passing that act, stated to be its true construction; and he could not but approve of every restraint, put upon the exercise of patronage. He denied that these clauses were meant as covers, and indignantly repelled the imputation of their having been moved with that intention. The Duke expressed his wishes that parties would forbear running at each other, but, on the contrary, look directly and seriously to the great consideration, what ought ultimately to be done with India. We had the territories there in possession, and we must either protect and defend, or abandon them altogether. Something decisive must soon be determined. With regard to the noble Lord who had conducted affairs during the American war, he never had entertained the least personal disrespect to him; at that time he could not possibly entertain any; yet fearing that the noble Lord might act upon similar principles with those exemplified in his conduct of the American war, he had declared that he did not choose to take part in an administration with that noble Lord.

The Marquis of *Lansdown* rose to explain respecting the word *Covers*. He said, he had charged no man with intentionally moving the clauses as covers. Marquis of
Lansdown.

Lord *Sturmont*, in reply to what had fallen from Lord Sydney, respecting the appointment of Mr. Holland to the government of Madras said, he was rather surprised that the noble Lord had not heard of that transaction. This was a proof that he had not always a communication with his colleagues in office. Lord
Sturmont.

The Earl of *Carlisle* observed that the noble Duke's opinion of the checks was nugatory and absurd. Earl of
Carlisle.

The House divided on the question, that this bill do pass, when the numbers were, Contents 71; Not Contents 28. Majority for the bill 43. The House adjourned.

Die Mar. 19th March.

The order of the day for the third reading of the India Declaratory bill being read, the same was put and carried.

It was then moved, "that this bill do pass."

And the question being put, it was carried in the affirmative.

Dissentient,

Because we object altogether to the very style and form of the present bill, inasmuch as it purports to be a Declaratory bill of a kind as dangerous in its application as it is certainly unusual

unusual, in its principle. If act of the of His Majesty be clearly expressed, any declaration of its sense is evidently unnecessary; if it be worded, whether from accident or design, in dark equivocal terms, we conceive, that, in order to do away every ambiguity, the mode most open and candid in itself, as well as most regular and conformable to the usage of Parliament, would have been by a bill to explain and amend, and not to declare. And we cannot but behold this extraordinary bill with yet greater alarm, when it has been avowed that it is intended to operate as an act of indemnity for past measures not explicitly stated. Surely it is a proposition absurd and monstrous on the very face of it, to call upon this House to declare what was and is law, subject to provisions which shall be. A declaration so qualified is a new species of bill of indemnity, which, unlike all others, does content itself with holding forth terms of protection against the penal consequences of an illegal act committed, but retrospectively alters and reverses the nature and essence of the action itself from its very origin, if certain prospective conditions be subsequently observed.

2dly. Because the preamble of the present bill, which must be presumed to set forth the legal grounds of the proposed declaration, does not appear to us in reality to contain any such grounds. It offers nothing more than partial and pieced extracts from various sections of the 24th of His present Majesty, two of which evidently convey only general powers to be exercised "in such manner as in the said act is directed," that is, subject to limitations and modifications not recited in the preamble; and the third of these extracts, which is taken from the conclusion of the 11th section of the act above mentioned, is in truth part of the clause imperative on the Directors, not enabling to the Commissioners; binding the former to obey the orders of the latter, (that is, all such orders as they may lawfully issue under other parts of the act) but not conferring on the latter any portion of distinct power. Their powers, whatever they may be, must be sought in the enabling clauses of the act, by which alone this imperative clause can be construed, but of which not a trace is to be discovered in the preamble.

3dly. Because the limitations and restraints on the power of the Commissioners, which are now imposed for the first time in this Bill, carry with them an imitation highly derogatory to the honour and wisdom of this House; inasmuch as they imply, that in the very moment when this House felt the most tender apprehensions for the safety of chartered rights, and when they were most anxiously alarmed for the consequences of transferring the power and patronage of the Company even for a time, they consciously and deliberately passed an act, by which those rights were to be supereded, and that power

power and patronage in effect vested in the Board of Control for ever, without sufficient checks and guards to protect the one, or to prevent the corrupt use of the other. The authors of these limiting and restraining clauses have left to the majority of this House no other refuge from the imputation of this inconsistency, but in an ignorance of that meaning, which we are now called upon to declare.

4thly. Because, if any such limitations and restraints be indeed necessary, the provisions of this bill, we are persuaded, must prove nugatory and inefficient.

5thly. Because coupling the act of the 24th of His Majesty with all its accumulated explanations and amendments, and understanding the powers there conferred on the Commissioners to the extent implied in the preamble and limiting clauses of the present bill, the system established by that act, in truth, realizes all the dangers which were ever attributed to another measure then recently rejected by this House, and is certainly fruitful of formidable mischiefs proper to itself, friendly to corrupt intrigue and cabal, hostile to all good government, and especially abhorrent from the principles of our popular constitution.

The patronage of the Company (and this seems to be the most serious terror to the people of England) the Commissioners enjoy in the worst mode, without that responsibility which is the natural security against malversation and abuse. They cannot immediately appoint, but they have that weight of recommendation and influence, which must ever inseparably attend on substantial power, and which in the present case has not any where been attempted to be denied.

Should this fail them in the first instance, they can intimidate and encourage; they can suppress the approbation and the censure of the Directors: on their own servants, they can substitute blame for praise, and praise for blame, or they may instantly recall whomsoever the Directors may appoint against their will; and this they may repeat, till they ultimately compel the Directors, harrassed and over-awed, to nominate the man whom the Commissioners may wish to favour. Nor is this disposal of patronage without responsibility, the only evil that characterizes the system; all the high powers and prerogatives with which the Commissioners are vested, they may exercise invisibly, and thus, for a period at least, invade, perhaps in a great measure finally baffle all political responsibility; for they have a power of administering to their clerks and other officers an oath of secrecy, framed for the occasion by themselves; and they possess in the India House the suspicious instrument of a Secret Committee, consisting only of the Chairman, the Deputy Chairman, and one other Director, all bound to them by an oath. Through these they have sent an arrangement for paying the debts of the Nabob of Arcot, beneficial

beneficial to individuals, injurious to the Company, and fundamentally contradicting the plain principle of an express clause in that very act by which their own Board was instituted; and through these they have concurred to transmit a dispatch, altered too by themselves, on a subject of mere trade, over which they profess to disclaim all right of management. After such examples we must confess, that our imaginations cannot figure to us any description of business, which may not be sheltered behind the thick veil of the Secret Committee; and from our past experience, relative to the first of these transactions, we are so justly sensible of the great advantages with which the servants of the Crown must argue on such topics before an assembly constitutionally disposed to a general confidence in them, that we should be sanguine indeed, did we but expect any considerable check to be given to the possible misconduct of the Board of Control, by the tears of a parliamentary inquiry.

6thly. Because the operation of this bill, and of the act, the meaning of which it is to declare, ought to have been limited to the duration of the existing Charter. Whatever may be the right of the Legislature to subject the trade and the general revenues of the Company to the inspection and control of the Board of Commissioners, nominated by the Crown, so long as the Company continue in the enjoyment of an exclusive trade, and in the management of great territorial revenues, we must, however, maintain, that to perpetuate such inspection, and to render the signatures of that Board necessary to all the Company's dispatches of every kind, when they may carry on their trade merely a Commercial Corporation, without any monopoly, and when they may remain in the management only of their own proper estates, is a measure of injustice wholly unprecedented, and an example liable to much reasonable jealousy in a commercial country like Great Britain.

On all these grounds of objection; to the style and form of the bill, as a Declaratory bill; to the incongruities, absurdities, and deficiencies of the bill itself; to much of the principle, and to all the distinguishing characters of the system which it is meant to declare, as well as to the perpetual operation which it gives to that system, we think it incumbent upon us, here solemnly on the Journals of Parliament, to record our hearty dissent for the satisfaction of our consciences, and for our justification to our fellow-citizens, and to posterity.

PORTLAND,	SANDWICH,	BEDFORD,
CARLISLE,	CHOLMONDELEY	LOUGHBOROUGH,
DEVONSHIRE,	POWIS	FITZWILLIAM,
PORTCHESTER,	CARDIFF,	SCARBOROUGH,
DENBY,	CRAW	BUCKINGHAMSHIRE

Dissentient for the first season only, HAY. Wednesday,

Wednesday, 16th of April.

The Earl of *Abingdon* presented a petition from the prisoners confined for debt in Oxford gaol, and the same being read, was ordered to lie on the table. Earl of Abingdon.

His Lordship introduced the petition with the following speech:

My Lords,

The paper which I have in my hand is a Petition from the Debtors confined in the Gaol of *Oxford*, in consequence of the bill now pending before your Lordships for the relief of Insolvent Debtors. It came to me from Lord Wenman, one of the Members for the county, to whom it was transmitted; and it is at his desire that I present it to your Lordships. But, my Lords, in doing this, I must apprise your Lordships, that it is without any intention on my part to give my suffrage or support to the bill, to which this petition refers, nor, indeed, to any other bill that shall come before this House under the same circumstances, and in the same questionable shape that this does. For, my Lords, whatever respect I may have, for the abilities of noble Lords, and particularly for those of the noble Lord who is the author of this bill, there is, in the investigation of the subject-matter of it, such an infinite degree of professional knowledge in the laws of the land required, as to make me doubt at least of the propriety of a measure that has not had this sanction for its recommendation. And therefore, my Lords, until I shall see the noble Lord on the Woolstack, with the rest of the Law Lords of this House, calling for the assistance of the Judges of the land, and all united in making so great an alteration in the laws and customs, nay, I will say in the very constitution of the country; my assent must be withheld to any other proceeding differing in description from this.

The House adjourned.

Thursday, 17th April.

No material debate occurred.

Friday, 18th April.

Earl *Stanhope* moved, that the report of the Committee might be taken into consideration. The same was read, together with the standing orders. The amendments proposed, and which constituted the report, were to introduce behind the Throne the sons of Scots Peers. Earl *Stanhope* said, that an idle report had gone forth, that the object of his motion was, to exclude every person out of the House, even Members of the Commons. It was true, (he added) that the strict and literal meaning of the standing orders were to that effect; but, surely, his principles in favour of a free communication of sentiment

timent, so far as it was compatible with the respect due to the dignity of the House, were so well known, that he was surprized how any person could entertain an idea, that he could wish to break off the freedom of access and communication between the two Houses. His Lordship, then, explained the purport of his amendment to the standing order, and moved that it might be entered upon the roll of standing orders.

Duke of
Norfolk.

The Duke of *Norfolk* moved another amendment in favour of Peers who are not qualified to vote, because they stood under the predicament of a non-conformity to the Church establishment. He was very happy to hear, that the noble Earl had no intention to interrupt the mutual accommodation between the two Houses.

The Lord
Chancellor.

The *Lord Chancellor* observed, that if any impropriety or irregularity arose from the admission of strangers, the remedy was always in their own hands, as the standing orders could always be moved to be put in force, whenever any of the noble Lords saw the necessity for doing so—at present he saw no reason to complain; the principal officers and the door-keepers had done their duty with strict propriety, and the bar had been kept with the strictest order and decorum. A few other colloquial observations were dropped, and Earl Stanhope's motion was carried without a division. The whole of the standing orders were, of course, re-entered upon the roll, with Earl Stanhope's amendments.

The order of the day was read, and the Duke of Athol moved to call in counsel to be heard on the merits of the election of Scotch Peers.

Lord
Loughborough.

Lord *Loughborough* recapitulated the former proceedings, and observed, that as the case was already closed on the return, counsel could not now be called on the merits without regular notice, and an order of the House for that purpose.

He summed up the arguments of the counsel, and said, that as nothing had been advanced in support of Anderson's claim to the title of Lord Rutherford, their Lordships could have no doubt that he had no right to vote, and that the Lord Register's Clerks ought not to have received the lists signed by him. Their Lordships had heard that he claimed as being descended from the aunt of David Drury, to whom the House in 1762 had given farther time to make good his claim to the title of Rutherford, and had made an order that until he did so, no person should be allowed to vote at the election of Scots Peers by the title of Rutherford. This order was binding on the Lord Register and his deputies, and in admitting the vote of Anderson, they had been guilty of a breach of the privileges of the House.

He had three motions which he intended to make.

First, That the vote of Rutherford ought to be stricken off the poll, and the return amended.

2dly, That the Lord Register's deputies ought to have conformed to their Lordships' order of 1762, and not have received it.

3dly, That they should be called to the bar and reprimanded for having disobeyed that order.

On the legality of the vote it was unnecessary to say any thing, as nothing had been advanced in support of it. In behalf of the regiller clerks it had been argued by their council that they were merely ministerial and not judicial officers; that they were not obliged to know of the order of 1762, nor bound by it if they did; and that they must receive and record the vote of any person claiming a right to vote under any title on the roll, or of twenty persons claiming under the same title. But this was a doctrine too absurd to be entertained. They were bound by the order 1762, and were as much the servants of their Lordships in cases of election, as Sheriffs were of the House of Commons; and they had on almost all former occasions acted judicially, of which he could produce many instances. Were they not to be considered in this point of view, any person whatever, even a porter from the street, might be admitted to vote for the Representatives of the Scots Peerage, and there might be, not one or two, but sixteen, false returns made at one time, which could only be corrected by petition to their Lordships. Were they to be suffered to act wrong with impunity, under the plea that they acted ministerially, they might return whom they pleased, and reject whom they pleased.

He concluded with moving his first resolution.

The *Lord Chancellor* said, the Duke of Athol's motion must first be disposed of; although he did not see how counsel could be called in after the case was closed. The Lord Chancellor

Lord *Cathcart* remarked that he had proceeded by the discretion of the House, and it would be contrary to justice to decide on hearing only one side of the question. Whatever might be the fate of Lord Rutherford's vote, the right of Lord Colville's ought to be tried before their Lordships came to a decision. Lord Cathcart

This produced a desultory conversation on the proper mode of proceeding, and it was at length, on the suggestion of Earl Stanhope, agreed that the practice of the House of Commons, in similar cases, should be followed, viz. to decide first on the return, and afterwards on the merits. The Duke of Athol withdrew his motion, and Lord Loughborough's was put with some alteration.

The *Lord Chancellor* said that, in his opinion, the vote of Rutherford did not relate to the return, but to the merits. It did not appear whether Anderson claimed under Drury, or under a claim distinct from his; and he doubted whether their Lordships could make such an order as that of 1762. He did The Lord Chancellor.

not mean to say that any thing was physically impossible to an assembly, over which there was no control, and against whose decisions there was no appeal. All he meant was, that an order to bar the rights of any individual, could be made only by an assumption of power, not by any constitutional exercise of authority. He controverted Lord Loughborough's doctrine with regard to the duty of the register clerks, and repeated what he had advanced on a former occasion, that it would be for the honour and advantage of the Scots Peerage to have all doubtful claims settled by the Court of Session, subject to the review of the House of Lords.

If there was any one principle to be more highly prized, or more carefully guarded in a free government than any other, it was, that a court possessing original, should not exercise final jurisdiction; and that a court exercising final, should not possess original jurisdiction. The original jurisdiction exercised by their Lordships had sprung from their care of their privileges, and they ought to be cautious how they extended it.

Lord Stairmont observed, that the Peers of Scotland possessed all the privilege which their Lordships enjoyed, except the most valuable one, that of an hereditary seat in Parliament; and he trusted the House would not send them to establish their titles before an inferior tribunal. Their Lordships were seated on the serene summit which

*Nec tanti cunctantur neque nubila nimis
Asperant* —

And he conjured them not to sacrifice those who were placed beneath them in the vale, to hardships which they themselves were not exposed to suffer, nor to reduce them to the necessity of courting the favour, or contending with the caprices of register clerks.

Earl Radnor and Earl Morton opposed the resolution.

Lord Kinnaird supported it.

The House divided; Contents, 25; Not contents, 18,

Lord Cathcart consequently lost his seat.

The House adjourned.

No debate took place until

Wednesday, 23d April.

Lord
Kinnaird.

When Lord Kinnaird moved, "That the petitions on the late Scotch election might be deferred to a more distant day than the next ensuing Friday, because the Earl of Dumfries within that space, would not have a convenient time to advise with his counsel." His Lordship did not wish to procrastinate, but only desired an indulgence till Monday.

The

The *Lord Chancellor* was willing that a proper period should be given to every one, to defend his claim; but he thought that a sufficient space had been allowed already. The present question had been adjourned from time to time, and proper opportunities had arisen for providing every necessary instruction for counsel. Besides, he saw several Lords in their places who had espoused the cause of the Earl of Dumfries, and suffered Friday next to be named without objection. The House was now very thin, and he hoped the noble Lord would not press his motion at this instant.

A few words passed in conversation between Lord Loughborough, the Chancellor, and Lord Kinnaird; when the motion was withdrawn.

The Earl of Hopetoun presented a petition from Lord Colville of Ochiltree, praying, "That he might be acquainted with the subject of objection to his vote, in order that he might be guarded against the attack upon his title, and that he might be enabled to meet it with the preparation that it required."

The petition was ordered to be placed upon the table.

The House adjourned.

No debate occurred until

Friday, 25th April.

The order of the day being read for taking into consideration the petitions of the Earl of Dumfries, Lord Cathcart, and Lord Colville,

Lord Hopetoun presented a petition in behalf of Lord Colville, whose vote was objected to by Lord Cathcart, praying that the House would order Lord Cathcart to state his objections to the vote particularly, and not in the general and loose manner his Lordship had objected to it, and on such objections being made, the petition prayed that sufficient time might be allowed to Lord Colville to consult with his counsel, and give in an answer.

The *Lord Chancellor* suggested the propriety of rather proceeding to the order of the day, than receiving the petition, which he hoped their Lordships would at that time reject.

The order of the day being read for farther proceeding on the Scotch election, counsel were called to the bar in support of and against the vote of Lord Colville.

Mr. Anstruther proceeding in favour of Lord Colville,

Lord Kinnaird rose, and moved, "That the counsel withdrawn;" and being withdrawn, a long conversation took place, in which the Lord Chancellor, the Duke of Athol, Lords Loughborough, Hawkesbury, and Sydney, spoke in favour of the counsel proceeding: the Lords Hopetoun, Kinnaird, Stanhope, and Radnor, were against their proceeding.

Lord

Lord
Radnor.

Lord Radnor then moved, "That it is not necessary that the objections intended to be made to the vote of Lord Colville, be farther specified before the hearing of the petition of William Shaw Lord Cathcart."

The previous question was put, "That the said question be now put." It was resolved in the negative.

The House adjourned.

Monday, 28th April.

Mr. Anstruther was heard in support of the vote of Lord Colville, who gave his suffrage at the late election in favour of the Earl of Dumfries. As Mr. Anstruther was proceeding in his defence of the vote, the Lord Chancellor put a direct question to him respecting the branch of consanguinity under which the voter claimed his right of voting. No direct or satisfactory answer being given, and the House being satisfied, the question was put that the vote of Lord Colville be rejected—Ordered.

By this determination, Lord Cathcart was again declared duly elected.

The House adjourned.

The next material debate occurred on

Monday, 5th May.

Lord
Rawdon.

Lord Rawdon rising, expressed his concern that the bill which he had the honour to introduce for the relief of insolvent debtors, which then stood for the second reading this day, had been postponed, in his absence, to Monday the 19th; a day on which, in all probability, as an installation was expected to take place, there would not be that full attendance of the Peers, which the magnitude of the bill required, independent of the hardship arising from the delay to a large number of meritorious, although unfortunate, men, who anxiously hoped the humanity of their Lordships would speedily liberate them from imprisonment and distress, to liberty and the means of obtaining support. He therefore trusted, that, on the day now fixed, the bill would be read the second time, without any attempts, in the interval, to adjourn it. That the House might, in some measure, judge of the hardships under which this description of persons laboured, he presented a petition from the debtors confined in Newgate, and stated some of the allegations contained in it.

The petition was ordered to lie upon the table.

The order of the day was then read, and the House resolved itself into a Committee, on the bill for the regulation of places of public entertainments; to which a clause was annexed in favour of Sadler's Wells.

Lord Hawke took his seat at the table, and counsel were called to the bar; Mr. Erskine, for Astley's, Royal Grove;
Mr.

Mr. Philips, for the Circus; and Mr. Garrow, for the Royalty Theatre; in support of the several petitions presented, praying to have the same indulgences as those granted to Sadler's Wells. Mr. Shepherd, for the proprietors of the Wells, replied. Mr. King, of Drury-lane theatre, and Mr. Lloyd, were examined in favour of the claim of the Wells, and Mr. Astley, the younger, for that of his father.

Counsel having withdrawn, the farther proceedings were postponed to the first Monday after the recess.

The Duke of *Norfolk* moved, "That the bill for licensing a theatre at Brighthelmstone be now read." He stated, Duke of Norfolk. that there was not the least opposition to the bill from any quarter, nor could the establishing a theatre in that town prove of the least injury, the place being merely a resort in the summer months for persons of fashion, and not a constant residence for any manufacturers, whom public entertainments might estrange from the pursuits of industry. The passing of the bill would therefore be a desirable object to both residents and visitors.

The *Lord Chancellor* wished the noble Duke to suspend his motion, and professed himself averse to partial licenses. The Lord Chancellor In general, it had been too often the case, that persons of property and influence had, through these means, obtained exclusive rights, highly injurious to those whose entertainments, if not superior, had at least equal merit and morality. The public had often wondered at these circumstances, which seemed to impeach the justice of our laws. If a theatre was necessary for the good of a town, and the amusement of its frequenters, the Justices of the Peace for the county, or a majority of them at the quarter sessions, were the best judges of that necessity, and of the proper person on whom the license should be bestowed.

The Duke of *Norfolk* remarked, that the magistrates not having that power, the persons who had erected the theatre had no other mode than applying to Parliament. They were anxious for their Lordships' decision; in their present uncertainty, it was impossible they could make engagements, or take any other steps for opening, this season, a playhouse at Brighthelmstone, which that town had as much right to as the cities of York or Edinburgh. Duke of Norfolk.

The *Lord Chancellor* explained, and said, that since he entered the House, he understood it was the intention of a noble Lord (Radnor) to introduce a bill, which, in some measure, agreed with the idea he had thrown out, and he wished the noble Duke at present not to press the second reading. The Lord Chancellor.

Lord Radnor said a few words against the second reading at this time.

The Duke accordingly withdrew his motion.

Lord

Lord Radnor then brought in a bill for explaining and amending the acts of George the Second, relative to stage entertainments, and to empower the magistrates of counties, under certain restrictions, to grant licences; which was read the first time.

The House adjourned.

No point of importance sufficient to make it necessary for us to trespass upon the time of our readers, took place, until

Monday, 19th May.

The order of the day being read, the House resolved itself into a Committee, Lord Scarfdale in the chair.

The Earl of
Sandwich.

The Earl of *Sandwich* moved, "That evidence be called to the bar to prove the expenditure of Sadler's Wells." He remarked, that, in a former stage of the business, when evidence had been adduced relative to the sums laid out on other places of public entertainment, the proprietors of the Wells, not knowing that such proofs were necessary, attended unprepared in this particular.

The Lord Chancellor was against hearing farther evidence. This brought on a conversation between the two noble Peers; the Lord Chancellor, at length, waved his objection, and Mr. Arnold was called to the bar, who proved, that since the year 1764, the proprietors had expended fifty-five thousand pounds, exclusive of the salaries paid to performers. The evidence being withdrawn, the clerk proceeded to read the bill, clause by clause, until he came to that which limits the performance of certain species of entertainments only to Sadler's Wells.

Lord
Chancellor.

The *Lord Chancellor* observed, that even from the slight attention which he had paid to the bill, its operations appeared in so oppressive a point of view, that he should, from pure principles of justice, move some amendments. The bill, as it now stood, would entirely prevent the performance of similar entertainments at other places of public resort. This was a monopoly by no means, in his opinion, reconcileable to reason and equity. It was true, the evidence had proved the expenditure of fifty-five thousand pounds in twenty-four years, but this was nothing more than the wear and tear of a theatre; scenes would decay, and dresses grow old. If, said his Lordship, I am wrong, I am certain I shall be corrected by two noble Peers in my eye, (Duke of Richmond and Lord Derby) who have had some little reasons to be better informed on these subjects than I can pretend to be. The Chancellor continuing his remarks, professed himself a friend to the rights and property of the Royal Theatres, but could by no means think that the patentees would receive a greater injury from the Royalty, Astley's, or the Circus, under proper restrictions, than from Sadler's Wells, whose proprietors now came forward with the modest plea of being the oldest offenders
against

against the law, in order to induce their Lordships to punish the junior criminals, and reward them for their veteran contumacy. The Chancellor hinted, that the proper mode would have been to bring in a bill to enable his Majesty to exercise his authority out of the Royal residence; but perhaps it was going rather too far to circumscribe places of entertainment, which this bill did within the very district of the palace. His Lordship then moved, that the indulgencies contained in the bill, should extend to all those places of public entertainment, licensed by the Magistrates, under the 25th of George II.

Lord Hopetoun said a few words in favour of the amendment.

Lord Sandwich wished the bill to go through the Committee in its present form, and then the other places would have an opportunity of bringing forward their pretensions. He declared that he did not wish to press this proposition, if the sense of the House was against it.

The Lord Chancellor then made several motions and amendments.

The Marquis of Carmarthen moved, "That after the magistrates, the words "of the county and liberties," be added," in order to include the Royalty theatre.

The Duke of Richmond introduced a clause to prevent the sale of wines or spirituous liquors, &c. in any of the places to which the bill extended.

All which were agreed to, without a division, and the bill ordered to be reported.

The House adjourned.

Friday, 23d May,

When the House resolved itself into a Committee, Lord Hawke in the chair.

Lord Fitzwilliam stated, that as the Play-house bill now stood, particular liberties would be deprived of the privilege of having theatrical representations from the circumstance of the licenses being to be granted by the magistrates of the county only. He mentioned Peterborough, in which the county magistrates had no authority, and of course without some alteration, however ardent their wishes might be to enjoy the rational amusement of a theatre, they would be disappointed.

A desultory conversation then took place, in which the Duke of Norfolk, the Lord Chancellor, Lord Sandwich, and Lord Radnor, spoke several times.

Lord Fitzwilliam then moved an amendment for the insertion of the words *liberties and districts*, after *counties*, which was agreed to.

Several other amendments were proposed and carried, on one of which a division took place for shortening the distance

mentioned in the bill between the several theatres, from ten to eight miles; the numbers were

Contents 17, Not Contents 9. Majority 8.

The House was immediately resumed.

Lord Rowdon rose and said, that in the present stage of the business he should content himself by merely moving, that the Insolvent Debtors bill be committed.

The *Lord Chancellor* objected to the commitment. He had trusted that before the House had been called on for that purpose, the noble Lord would have stated fully the nature and tendency of the bill.—He could not but lament the want of this necessary information, for, of all the productions he had ever read, the present one was the most vague, loose, and unintelligible compound of blunders and absurdities. He was certain, it did not originate with the noble Lord, but had been drawn up by some interested person, who had imposed on his known humanity and love of justice. Bills of this description were, at all times, objects which required the most scrupulous investigation; the House had yearly witnessed instances of their being submitted to their judgement, and with much propriety, in *his* opinion, had rejected them. The present bill embraced objects of larger scale; it went to overturn, in a great measure, those laws which our ancestors had thought prudent to continue from the time of William the Conqueror to the present period.

The Lord Chancellor then endeavoured to shew the inefficacy of several parts of the bill, and asserted that it would give additional latitude to wicked and designing men, to prey upon the honest and industrious part of the community, for, such were the general tenets of the prison persons, who, speaking in the mildest terms,—ran into debt at the time when they were conscious they had not the means of payment; or, if they *had*, would rather expend their property in the purlieus of the Bench or Fleet, than satisfy the just demands of their creditors;—These were the men whom their Lordships were now called upon to liberate, and, once more to afford them opportunities of plunging into their pernicious courses.—It might be said that this was a harsh judgement on a considerable number of people, but he feared that it was but too just.—Could the noble Lord point out five men, who, after finding themselves embarrassed in their circumstances, through the extravagances of country-houses, horses, carriages, and the long train of improper dissipation, had, voluntarily, given them up, and descended to the toils of assiduous industry, to do justice to those whom they had injured. If such characters could be pointed out, he would rather that a dozen swindlers escape, than that such men should suffer for a moment; but whilst the prisons continued in the present manner, he found that little good would be answered

swered by passing the insolvent bills. That which was meant for a punishment for improper conduct, ceased to retain its nature. It was his wish to make insolvent bills answer the original intention, and then the numbers within the walls would bear but a small proportion to what they now do.—It had long been the custom, whenever an insolvent bill was pending, for persons, by means of some friend, to fling themselves into prison, in order to be white-washed, in order to defraud their just creditors. The bill brought in by the noble Lord, from the mode in which they were to obtain their liberation, would give them an additional opportunity of effecting *this*; by such a mode of giving the public notice, and by the power of discharge resting with the magistrates, who were incompetent to such a task.—Under this bill, those who had been guilty of the greatest breaches of trust might be cleared, whilst a clause particularly prevented the liberation of those imprisoned for verdicts obtained on libels. Was this justice? was this equity? the Chancellor concluded, by declaring he should vote against the commitment.

Lord *Rawdon* declared that he was astonished that the noble and learned Lord should want farther information, after the full manner in which he had detailed the objects of the bill during its first introduction. He appealed to the Lords present at that time, if the assertion was not founded. The bill might be loose, vague, unintelligible, and replete with blunders and absurdities, but he little expected to have heard these circumstances urged against it; he should rather have thought it would have been an object of recommendation, after the various instances Administration had given in their own productions; besides if it really was the fact, in the course of the next session, it would give them the pleasing opportunity of bringing forward their darling object, a declaratory bill, to construe its plain and obvious intention, into what it never meant to effect. Lord *Rawdon* declared himself perfectly satisfied with the abilities of the gentleman who drew the bill. He could by no means subscribe to the learned Lord's assertion, that imprisonment for debt had existed from the time of William the Conqueror. In the days of Edward the First, it only extended to bailiffs, who purloined the revenues of their Lords, and was farther extended in the reign of Edward the Third, but then not until after execution had been obtained. So far from assisting unprincipled men, it was his intention, in some degree, to stop that unbounded credit which was too promiscuously given. Trade had, in fact, degenerated into gambling, tradesmen gave credit to those who had no just right to expect it, and indemnified their losses, by exorbitant charges on those who could pay. By this conduct many unthinking young men were early involved in extreme difficulties from which they could never after extricate themselves.

Lord
Rawdon.

The learned Lord had indeed drawn a dark picture of the unfortunate inhabitants of prisons; but, surely, its truth would not be assented to, when it was considered, that many of them were officers who had bravely fought the battles of their country, and, on the conclusion of the war, were reduced on a scanty pittance, unequal to support, with common decency, their rank in life, and obliged to reside in this expensive capital, in order to solicit a reinstatement to that rank which, perhaps, they had expended the whole of their little fortunes in originally purchasing. The American loyalists formed no small part of the persons intended to be relieved, these had reduced themselves to their present lamentable situation, by their firm attachment to this country; and whilst, for certain purposes, the Minister was boasting of yearly surplusses, the just rights of those two descriptions of meritorious subjects were shamefully withholden; under this distress, they had contracted debts without the probability of paying,—but, they and their families must eat; from the list on the table delivered by the Marshal of the King's Bench, it appeared that few, if any, of those friendly artists to which the learned Lord alluded, had taken place on the introduction of this bill. It would fully answer the desired purpose by liberating the really unfortunate debtor only. The objection started, that magistrates were not competent to decide between debtor and creditor, was futile in the extreme. The law already allowed them to determine in cases of felony, and, surely, investigating accounts, and doing justice between two parties, was not referring that to them which they were not fully able to decide. Indeed, nobody of persons merited more confidence upon the ground of either intelligence or property, or would be less liable to improper conduct, either from ignorant or interested motives. When he had the honour to introduce an insolvent bill last year into that House, in conjunction with the noble Duke (of Norfolk) the liberation of persons in executions for libels, was made one ground of objection; now, that being done away by a clause in the present bill, seems to be equally exceptionable.—He trusted that he had answered the noble and learned Lord to the conviction of the House, and that the bill would be suffered to go to the Committee, where it might be altered and amended, to meet the views of their Lordships—to advance the cause of humanity, and to restore to the community many useful and deserving members of society.

The Earl of *Abingdon* rose, and spoke as follows:

My Lords,

Earl of
Abingdon.

I do not rise to enter into the subject matter of this bill; I have before stated my objections to it, and have given my reasons why it ought not to be entered into at all. But, my Lords, admitting, for a moment, the necessity and propriety of the measure, in my humble opinion, the noble author of
it

it has begun at the wrong end of the business; and inasmuch so as to defeat the very object of his own good intentions. For, my Lords, what is the object of the bill? It is for "the relief of insolvent debtors, and of bankrupts, in certain cases."—And how is this relief proposed to be obtained? It is to be obtained by drawing, as it would seem, the lines of parity and justice betwixt the two parties of debtor and creditor. But, my Lords, does the grievance lie here alone; and is it only here that relief must be had? No, no, my Lords, there is another end to this business; and which, unless *first* in the point of order, will render what is now before us *last* in point of utility. Let the noble author, then, my Lords, of this bill, begin, and I will second him, not with the *law*, but with the *lawyers*. My Lords, I beg pardon for calling the description of men to whom I allude by that respectable name. The title no more than the thing itself appertain to them. The *right use* of the law is that which belongs to a lawyer; but it is upon the *abuse* of the law that these vermin feed. I say, then, my Lords, let us begin with those *licensed* robbers, those *legalised* pickpockets, the *pettifogging* attorneys of this country, who, like locusts, have now so multiplied and overspread the land, that every individual feels, and cannot help to feel, the bitter effects of their all-devouring rapacity. My Lords, I speak to the knowledge, I speak to the feelings, of your Lordships. For myself, I speak from my own experience, (*experito crede Roberto*), an experience, from which, it is true, I have learnt a lesson of wisdom; but it is a lesson which I did not learn without having very sufficiently paid for it. Here, then, my Lords, is the *principium & finis*. Let the noble Lord look to these men. Let the rod of Justice *lash* them into some order and regulation; and, having laid the restraints upon them, under which they ought to be, and must be (sooner or later) placed, I will take upon me to tell the noble Lord, that more than one half of his work is done: that his account of debtor and creditor is nearly balanced. For, my Lords, is it the creditor that imprisons the debtor? No, my Lords, it is the attorney.—And how? The debtor owes the creditor forty shillings, and he is clapped into prison for forty pounds; and perhaps the creditor along with him.—And whence does this arise? Look to the attorney's bill, which, like a two-edged sword, is made so dexterously to cut on both sides, that the creditor who gains his suit is oftentimes no better off than the debtor who loses it; and thus are two imprisonments, instead of one, effected. It is, therefore, my Lords, not, as I have said, to the theory of the law that we are to advert, (for that is sound and good) but it is to the *mal-practice* of the law, and these are the

malversators

malversators of it. But, my Lords, there is one other topic to which, with your Lordships' leave, I will allude. This bill comes before us under the sanction, and with the recommendation of *Humanity* for its support; and, upon that ground, I am right glad to meet it: for, my Lords, our humanity, notwithstanding the many occasions we have for it at *home*, has been of late so much occupied and employed *abroad*, has been so distant from ourselves, and so connected with others, so busily at work in making the tour of the *East*, in culling tropes and figures, and in gathering the oratorical flowers of *Indo-Islan*, to strew at your Lordships' feet in Westminster Hall, that, like the Prodigal Son, tired of *its* prodigality, I was in hopes that our humanity had returned again to rest and to remain with ourselves: but, my Lords, vain and forlorn were these hopes in me; for no sooner do we welcome the return of this Prodigal Son among us from the *East*, than we hear of his intended flight to the *West*, and from thence to the *South*, to act as a missionary among the savages of Africa, to humanize inhumanity, to civilize negroes, to wash the black-a-moor white. Would to God, my Lords, before this departure of our humanity from hence, that (if unwilling to cast its eyes at home on the spot where we are) it would be pleased to look a little to the westward of this island, to the kingdom of Ireland, my Lords, and, in the profusion of its bounty, to bestow some small portion of its consideration upon the *white negroes* of that country, who, under the weight and pressure of exaction, are wound up to pitches of misery and distress, not surpassed, probably not equalled, by any other human beings existing under the sun of heaven: for such is the fate of these hapless wretches. And then is it, my Lords; that, in doing this, our humanity would act, not as it does, in the very converse of sound philosophy and true patriotism, but as it ought to act; and as, in the words of the Poet, is beautifully expressed —

“ Friends, parents, neighbour, *first* we do embrace;

“ Our country next; and *then* all human race.”

In the present instance, however, my Lords, I find our humanity is with us; and it being made the plea of this bill, I readily receive it as such: but, as in many other cases, Humanity and Policy are at variance with each other, so is it in this; for what is there in life more inhuman, both in theory and practice, than the wars that are continually waging? And what is it but policy that can justify them? What is there more shocking to humanity than the present attempts of Austria and Russia to extirpate the Turks, or to drive them out, and to banish them from their own kingdoms

doms and countries? And yet arguments, no less than arms, will not be found wanting in defence of the measure. Even so too, my Lords, comparing little things with great, is it with the case before us; for who is it whose heart is so obdurate, and whose nerves are so palsied, as not to feel for the distresses of our fellow creatures, under the circumstances alluded to by this bill? And if this be so in *civil* cases, what shall we say, my Lords, when we turn our eyes on the *criminal* jurisprudence of this country, on that sanguinary code of laws under which it may be said we are made not to live but to die? And is there no alteration here wanting, no amendment required? Yes, it will be answered; but this is *looking at home*, which is too *concentric* an idea for the *eccentric* abilities, the lively fancies, and the boundless imaginations, of our modern patriots, politicians, and orators, to submit to. But, my Lords, the truth is, these are those very cases in which humanity and policy are at variance with each other; for they are the cases that are, and have been from time immemorial, in opposition to their humanity, sanctioned, under the policy of them, by the laws of the land. It is, then, my Lords, between this humanity and this policy that we are to judge; and it is for us, as pilots of the state, so to use the compass of our understandings, and so to steer our course, that, whilst we avoid Scylla, we do not run upon Charybdis. Humanity, it is true, is a good thing; but "too much virtue," (even says the Moralist) "is vice;" and the better the thing is, the worse, when misapplied, are the consequences. But humanity too, is but a term in language, and, my Lords, let us beware of *catch* words.—*Ecce homo* was the word at one time; at another, Omnipotence of Parliament; and now Humanity is the *ton*. Whiggism and Toryism, too, have had their days. But, my Lords, as I have said, let us beware of *catch* words: they sometimes lead to good, but much more often to mischief: they are too frequently the snares of politicians, to catch the *great* as well as the *little* vulgar in; and are made to operate, as the soldier's drum upon the soldier, not by the sense, but by the sound.

Upon the whole, then, my Lords, until, as the necessary and proper data to be given, it shall appear to me in proof, that we are grown so much wiser and better, and more humane than our ancestors were, and indeed than other nations of the world even now are, I shall take the liberty, upon this occasion, as well as upon others, to rest upon my arms, and not be so ready to enlist under, and to follow a standard that may lead to good; but which, so far as practice and experience shews, is much more likely to be productive of evil.

The House divided; Non-contents, 48; Contents, 13.
Majority, 35.

The bill of course was rejected.

The House adjourned.

No material debate followed that upon the insolvent bill, until

Monday, 23d June;

When the order of the day being read for hearing counsel in support of the petitions from the theatres in the Haymarket, Drury-Lane, and Covent-garden, with respect to the interlude bill, counsel were called in, and having argued against the amendments made by their Lordships in the introduction of the Royalty Theatre, the Royal Grove, and the Royal Circus, into the bill, they withdrew.

Duke of
Richmond

The Duke of *Richmond* observed, that though the counsel had argued against the amendments, they had not, in his opinion, offered sufficient objections to prove that the amendments ought to be abolished. He could not help remarking, that notwithstanding they spoke so much against the Circus, Afsley's, and the Royalty Theatre, they had omitted to notice Sadler's Wells, and he learnt, on inquiry, that they had not received any particular instructions upon the subject. He begged, however, to be informed, why Sadler's Wells was to be favoured with a greater degree of indulgence than the others; since it was equally illegal; with this difference, indeed, that the other places had but lately transgressed the laws, while this had flown in their face for a much longer duration. It was evidently the intention of the Managers of the two winter theatres, and the theatre in the Haymarket, to monopolize to themselves the whole business of dramatic entertainments. But no reasonable objection could, surely, be offered, why the inhabitants of one end of the town should be deprived of the same convenience in enjoying the amusements of a theatre any more than those of the other. By the opposers to the entertainments of the Royalty Theatre it had been said, that the passages leading to that place were thronged with persons of such a description, as in a great measure to promote immorality; yet, surely, no man who walked through Drury-Lane, or the piazzas of Covent Garden, could assert that those theatres were not liable to the same objection. The Duke concluded by saying, that he had not heard a single argument from the counsel, of sufficient weight to induce him to think that their Lordships would either throw out the bill, or negative the amendments which, upon a former day, he had the honour to propose.

The question was then put, "That the bill, with its amendments, do pass;" which was agreed to *nemine dissente,*

sentiente, and ordered to be carried to the Commons for their concurrence.

The Duke of *Richmond* moved, "That the proper officer do lay before the House, the account of the dimensions of vessels employed in the slave trade of the port of Liverpool, as taken by Captain Parry." Ordered. Duke of Richmond.

Lord Rodney presented a petition from the manufacturers of Manchester, employed in making goods consumed and taken by vessels employed in the slave trade, against the bill; also one from the manufacturers of Liverpool and another town, all desiring to be heard by counsel.

The petitions were read, and ordered to lie on the table. But on the objection of Lord Bathurst to their being read by counsel, that part was rejected.

Earl *Stanhope* moved, "That the bill be committed to a Committee of the whole House upon the day ensuing." Earl Stanhope.

Earl *Bathurst* remarked, that he meant not to oppose the motion of commitment, being convinced of the necessity that the bill should pass, but to entreat those noble Lords who had attended during the hearing counsel and witnesses, on Saturday, to attend in the Committee, in which stage the bill must undergo many material amendments to make it even tolerable. Earl Bathurst.

Earl *Stanhope* observed, that he could not avoid returning his thanks to the noble and learned Peer, who spoke last, for entreating the attendance of Lords in the Committee. He had several amendments to propose, which he believed would assuage, if not entirely remove, the opposition of those who were interested in the trade. He was particularly desirous that those Peers who had attended during the evidence against the bill, would attend in the Committee. He was confident the evidence must have as great weight with the noble and learned Earl, and, indeed, with all who heard it, as it had with himself. It was a strong argument in favour of the bill; for, by their petitioners' confession, seven negroes died in every hundred, during every transportation. The mortality of those seven in each hundred, was not in the space of a year, but of three months, which time was taken in the conveyance of those unhappy creatures from their native shore to the West Indies. The mortality of mankind in general, in that time, was but one to the hundred, and the inconveniences of shipping did not cause that common mortality to exceed two to the hundred. The present mortality in the trade was, therefore, the absolute murder of five in each hundred. It was a trade contrary to every principle of humanity, but he would not then enter into the general question, which he was happy to hear was to be brought forward during the course of the next session, but confine himself to the intention of the

present bill, which was founded in humanity and justice, and which he hoped would meet with no opposition.

Duke of
Richmond.

The Duke of *Richmond* declared that he was thoroughly convinced, by the evidence, of the necessity of regulating the transportation of Slaves, and the promoters of the bill were actuated by motives of humanity and justice. He hoped, however, if the present bill was suffered to act retrospectively, their Lordships would insert a clause to indemnify the losses to which the persons concerned in that trade, and who had for many years carried it on under the sanction of Parliament, might be liable. The mode of stowing the Slaves on board the vessels in which they were transported, and they laying on their backs on the deck, was shocking to humanity, especially as they were stowed under the line, where, in such a dreadful situation, it was almost impossible they should escape suffocation. The Duke wished that they would touch on the present bill, and not that general one which was to be discussed next session, and which he hoped, as well as the present bill, would be discussed with candour. He was sorry that such strong words as absolute murder had fallen from the noble Earl opposite to him (Earl Stanhope), but as they were uttered in the warmth of feeling, he doubted not that they would be retracted, and that such an aspersion would not remain on persons engaged in the trade, many of whom, he was convinced, were worthy men.

Lord
Stanhope

Lord *Stanhope* declared, he meant not to charge the traders with premeditated, absolute murder. What he said needed no explanation, and would not be retracted. Such deaths as he had mentioned were not intended; but still the trade was murderous.

Duke of

The Duke of *Gloucester* stated the danger of passing the present bill; and observed that this country had, by hasty measures, lost America; and he feared that, if the present bill passed, it would lose the West Indies. It would prevent the necessity of going into the general question, by destroying our possessions in the West, and destroying our trade before the next session. As he was better acquainted with the trade and the West Indies than many of their Lordships, he warned them of the danger of the bill, of the small number of whites compared to the blacks in the West Indies, and of the probability of a general rebellion among the blacks upon the arrival of the bill there, who he should expect to hear had massacred every white in the islands. He therefore advised their Lordships to act cautiously, and hoped every discussion would be postponed to the next session.

Earl of
Hopetoun.

The Earl of *Hopetoun* admitted the necessity of great caution, but was at the same time convinced of the propriety of enforcing the present bill. After observing that, in the discussion
of

of the general question, it would not only be found that the trade was carried on with enormous violence to humanity; but that it was the destruction, the grave, of great numbers of British seamen, he concluded by saying, he should support the motion of commitment.

The question was then put, that the bill be committed to a Committee of the whole House upon the morrow, and carried without a division.

The Scotch Distillery bill being read a second time, Lord Sydney moved that it be committed.

Lord *Kinnaird* opposing the motion, observed that this bill was not only materially injurious to the Scotch Distillers, but absolutely and directly in defiance, in breach, and subversion of the articles of the Union. He remarked that by the articles of Union, the two countries were to have the same excise laws, and the treaty was in the most solemn manner ratified; but the present bill, by enacting different excise laws for the two countries, again separated them, and sowed the seeds of a total separation of the north and south parts of Great Britain. He entreated their Lordships to pause before they violated so sacred, so solemn a compact, and after referring them to the 4th, 5th, 6th, 7th, 8th, 16th and 17th articles of the Union, which (he said) the present bill went directly to overturn, he concluded with several observations on the many experimental bills which had been brought in relative to the Scotch Distillers, against the motion.

Lord
Kinnaird.

Lord *Hawkebury* declared himself astonished that the noble Lord should object to the difference of the Excise laws as a breach of the Union. The difference was in favour of the Scotch Distillery; and though that difference might be contrary to the letter, it was not so to the spirit of the Union, as it respected the inhabitants of that part of Great Britain. If any had a right to complain, it would be the Distillers of the South.

Lord
Hawkebury.

Lord *Kinnaird* conceived that every professed advantage in favour of the Scotch Distillers to be an injury; and he wished to have every part of Great Britain put in exactly the same situation.

Lord
Kinnaird.

The question was put, that this bill be committed, upon which the House divided, Contents 14. Non Contents 5.

The bill was then committed to a Committee of the whole House to sit upon the morrow. The House adjourned.

The next debate occurred upon

Wednesday, 25th June.

The Order of the day being read for the House to go into a Committee on the Slave Regulation bill, Lord *Walsingham* took his seat at the table.

As soon as the House had resolved itself into the Committee.

Earl
Bathurst.

Earl *Bathurst* rose, and arguing against making the bill retrospective, contended, that all *ex post facto* laws were unjust, and that the present bill would be particularly unjust; and that no compensation which the Legislature could propose, would possibly meet the case. The merchants had embarked their adventures before the bill was proposed, and as the bill stood, the bill was to attach them from the 10th of June, and thus subject them to the certainty of a loss, after they had put themselves to the whole expence of an adventure.

Lord
Rodney.

Lord *Rodney* remarked that, it was absurd to suppose that the merchants, whose profit arose from the number of healthy Africans they landed in the West India Islands, would not attend to their own interests, and take every possible care to preserve their health. Every voyage at sea was attended with its inconveniences, but the voyage to Africa, and from that coast to the West India islands, was not, generally speaking, attended with greater inconveniences than other voyages. Their Lordships had not heard any evidence to prove, that the Africans were treated with peculiar hardship either in the voyage to the West Indies, or that there was any reason to suppose that they should be so treated. Why then, after the general question had been postponed till the next session, need the House be so much in a hurry to take up a part of the consideration? He begged leave to remind the House, that the French government acted in a very different manner respecting the African trade; and that, so far from wishing to curb and cramp it with needless regulations, they gave large premiums upon every Negro landed on their islands in the West Indies. In some instances they gave, as much as 200 livres per head, in others 100 livres. The Islands of St. Lucia, Tobago, and St. Domingo were, in that manner, provided with Slaves. If, therefore, we deprived our own merchants of the power of carrying on that traffic, we should insensibly increase the power and advantages of the French in that respect. What our merchants lost, their merchants would gain; a consideration that he thought worthy their Lordships' most serious attention. Exceedingly important were the West-India islands to our commerce and our navigation; and he could appeal to the noble Lord (*Heathfield*) behind him, whether he did not think the bill unnecessary, and calculated rather to introduce evils than benefits.

Lord
Heathfield.

Lord *Heathfield*, now, rose, and observed that, since the question was addressed to him, he must own it to be his private opinion that the bill was unnecessary. He declared that he had much considered the subject, and though perhaps few others had given themselves the trouble to inquire into, and ascertain the measurement of cubical air breathed by the Africans on board the vessels usually employed in transporting

ing them from their own coast to the West India islands, he had done so, and compared it with the measurement of cubical air breathed by soldiers in camp. Soldiers in their tents were allowed about seventeen cubical feet of air each, whereas the African slaves were severally allowed full thirty cubical feet of air. His Lordship reasoned on this calculation, and after objecting to the bill's commencing its operation so early, professed himself to be a friend to the African merchants, whose interests he thought would be materially and unjustly affected by the bill.

The Duke of Richmond contended, that the proper subject of the present discussion was, undoubtedly, merely the amendment necessary in the clause before their Lordships; but as the noble Lords, who had already spoken, had gone into the principle of the bill, he must beg to be permitted to say a few words in reply. The noble Lords near him, both of whom stood so high in their respective professions, had relied a good deal on the natural humanity of those concerned in the African slave trade. Unfortunately, the subject of the present bill, was one of those in which considerations of private interest might be supposed to bear down and supersede the feelings of humanity. The noble Lord who spoke first, had suggested, that as the profit of the merchant depended on the number of healthy Slaves he landed in the West Indies, he necessarily would not stow more together on ship-board, than could exist in safety, and without risque of disease. That argument was fallacious; because if 400 Africans only could be stowed without danger of sickness, the insuperable avarice of those concerned in the traffic might induce them to cram 500 on board; since, if they lost fifty out of the fifth hundred, it would still be worth their while. The fact was, if their Lordships would take the trouble to calculate, they would find that according to the evidence, taking the fair measurement of the vessel, upon a moderate calculation, according to the customary stowage of the African ships, no room was allowed for passages, but the whole deck was strewed with human bodies. With regard to the French giving premiums on each Negro landed, he saw no occasion for us to follow the example; and he trusted that this nation would not barter its humanity so basely. In answer to what another noble Lord of the highest military character had said, respecting the comparison between the measurement of the cubical feet of air allotted to a soldier in camp, and an African on board an African trade ship, he must beg leave to remark that the comparison would not hold, because the two cases bore no analogy to each other. Soldiers were put six in a tent, but then they not only had free egress, and were seldom all six in it for a long time together, (on account of military duty and other

Duke of
Richmond.

other occasions that called one or more of them out of it from time to time,) but he was afraid the canvas of their tents was not generally of so very close a texture as to exclude all penetration of air, much less to reduce the air they breathed to that state of unwholesomeness that could easily be imagined to be the quality of the air breathed by African slaves stowed close together, between decks, on board of the transport ships, directly under the line, and also under a variety of attendant circumstances of unwholesomeness, and propensities to putridity. With regard to there being no evidence before their Lordships to prove the hard and severe treatment of the Africans while on board, he should not hesitate to answer that abundance of evidence might have been adduced in support of the bill, had it been necessary; but as it was merely a bill of regulation, and a bill that went to a particular point, without at all touching on the general question, which had been, in his opinion, very wisely postponed to the next session, he had, purposely, foreborne to bring before their Lordships evidence of the many horrid cruelties, which could have been proved to have been practised, and the recital of which must have shocked their Lordships. The bill certainly stood in need of a variety of amendments, which would, doubtless, be proposed by different noble Lords in the Committee, before they concluded it. He intended to propose a clause to give a compensation to all those merchants, whose ships were already sailed, or would be in Africa at the time that the bill should pass, for the losses they would incur from the bill attaching upon their ships retrospectively. No fair argument, therefore, could, in his opinion, be grounded against the bill, on account of its retrospective operation. In respect to the day on which the bill was to commence, it certainly ought to be altered, and not to stand the 10th of June; but it was to be remembered, that the bill had originally been introduced into the other House so early as the second or third of June; the blanks had therefore been filled up with the words the 10th of June, from an idea that it might possibly pass much about that time.

Lord
Hawkebury.

Lord *Hawkebury* said that the bill must have a commencement. The question therefore was, at what period its operation should have a commencement? His opinion was, that it ought to commence from some day after the bill should pass into a law, and attach upon every ship that might sail from any British port after the day of its commencement, and as to the ships already sailed, or in Africa, only from the day, that the bill should be served upon such ship; for, nothing could, surely, be more unjust than to make any ship, or ship Captain, crew, &c. liable to a legal penalty before they could possibly know, that any such penalty was declared to be legal.

He,

He, therefore, moved, that the operation of the bill should commence from the 10th of June next.

The *Lord Chancellor* presumed that, the wish of their Lordships was to pass some bill of regulation; but, as the bill stood, it was nonsense. He, therefore, concluded that some amendments would be proposed to connect the nonsense of one part of the bill, with the nonsense of the other. He pointed out the words, the 10th of June, as stated in one clause to be the period of the commencement of the operation of the bill, and said, that in a subsequent clause at some distance, mention was made of such ships as had sailed before the 10th of June, although in the former part of the bill, no notice whatever had been taken of any thing in the bill being to affect ships that had sailed before the 10th of June. [A Peer expressing a doubt whether such an inconsistency was contained in the bill] the *Lord Chancellor* desired that those who doubted what he asserted, would take the trouble to read the bill, and they would find the fact to be as he had stated it.

Earl Stanhope considered the bill to be as ill worded, in respect to its clauses, as any bill ever introduced into that House; but its principle was undoubtedly founded in humanity. No man, therefore, could disapprove of the principle; and it was their Lordships duty, as he had no doubt it was their inclination, to correct and amend the clauses, so as to make them correspond closely with its principle, and thus remove all objection to the bill. Since several of their Lordships were not present on Saturday, when the counsel were heard against the bill, and consequently could not be apprized of the arguments resulting from their objections, he would as shortly as possible state what those objections had been. In the first place, the counsel had objected that the whole of the scale adopted in the other House was wrong; and that exactly the reverse of that scale was the true proportion of the number of Africans to the number of tons of each ship, according to the principle of the bill, and the avowed intention of its supporters. *Earl Stanhope* explained this, by shewing, that as the bill stood, three men to two tons were to be allowed to all ships of one hundred tons, so that such ships were to carry 150 Africans each; but if the ships were upwards of 100 tons, the number of Africans, proportionably to the tonnage, was to diminish; by which means a ship of one size would carry 250 Africans, and a ship of a greater size would, as the bill stood, carry only 228 Africans. This was, undoubtedly, absurd, and must have been a mistake; but it was easily remedied by an amendment, regulating the first proportion to the hundred tons, and then adding a smaller number as the tonnage increased, by which scale, a ship of 100 tons would have a right to take 150 Africans; a ship of 101 tons, 151, and so on, adding one African for each additional ton.

This

This would create a regular, clear, and unobjectionable rise of the scale, governing that rise, however, strictly, by the increase of tonnage. After much arithmetical reasoning, his Lordship proceeded to comment on the evidence of Messrs. Tarleton, King, and other gentlemen, who had been examined at the bar, contending, that they had established a strong case in support of the bill, and observing, that the number of Africans that died in proportion to the number shipped, according to their own account, proved that the present system of transporting the African slaves, was too horrid to be suffered to continue without alteration. After objecting to the sort of average that one gentleman had adopted, because he had taken the average of six years out of seven, leaving out the most unfavourable year, Earl Stanhope took notice of the argument of Lord Heathfield relative to the comparison of soldiers in a tent to Africans on board, and denied that it bore the smallest analogy. The Africans were packed between decks on platforms, like books on shelves, and were thought to be perfectly at their ease, if they had just room enough to turn. Was that the case with soldiers in a tent? Most undoubtedly not. The air breathed between decks by the Africans was destroyed and rendered putrid by the closeness of the space and their own respiration, whereas a tent was all outside, and constantly recruited and replenished with fresh air. His Lordship, in this part of his speech, introduced some philosophical remarks on the nature of air as breathed by mankind. He said, it had been recently discovered, and the discoveries were as beautiful as they were instructive, that the air we breathed was not homogeneous, as had heretofore been conceived, but that it consisted of one part only that was vital, and by which we lived, and that one part was mixed with four other different fluids. That by being confined to a short space, by breathing the same air over and over again, the vital air becomes tainted, as in the black hole in Calcutta, and thence the danger of death. Thus, confine an animal to a very close place for some time, he would breathe the same air so often, that at last he would drop down dead; and, if it were possible to confine the air in which their Lordships were at that moment for a length of time, the inevitable consequence must be, that they would all drop down dead. Having given this philosophical explanation of the nature of the air we respire, he returned to the subject of the bill, and said, if the noble Duke had not intimated an intention to move a clause of compensation for the losses which those merchants, whose ships had already sailed, would sustain in consequence of the bill attaching upon their ships, he certainly should have offered such a clause. With regard to the commencement of the operation of the bill, the date must certainly be altered from the 10th of June; but he conceived that the sooner the bill

bill commenced after it should pass the better, and therefore, he hoped some early day in July would be fixed on by their Lordships.

The *Lord Chancellor* observed, that from what had fallen from a noble Lord, (Lord Rodney) it was evident the French had offered premiums to encourage the African trade, (whether from folly or inhumanity, was not the question) and that they had succeeded. The natural presumption, therefore, was, that we ought to do the same. For his part, he had no scruple to say, that if the five days fit of philanthropy which had just sprung up, and which had slept for twenty years together, had continued to sleep one summer longer, it would have appeared to him rather more wise, than thus to take up a subject piece meal, which it had publicly declared should not be agitated at all, till the next session of Parliament. Perhaps, by such imprudence, the slaves might be taught, of their own accord, to proceed to an abolition of the trade. The Lord Chancellor made some remarks on the evidence, in order to shew that the African merchants, trusting to the declaration that the question should not be agitated that session, had embarked their all in the adventures of the ships already sailed, and would be ruined by the bill. One witness, he said, he understood had come to their Lordships bar, with a face of woe, his eyes full of tears, and his countenance fraught with horror, and had said, "My Lords, I am ruined if you pass this bill. I have risked thirty thousand pounds upon the trade this year; it is all I have been able to gain by my industry, and if I lose it, I must go to the hospital." The Chancellor pressed this point upon their Lordships' most serious consideration.

The Lord
Chancellor.

The Earl of *Carlisle* expressed some astonishment that the noble and learned Lord should talk of a five-days fit of philanthropy, when it was a matter of public notoriety, that the question of the slave trade had engrossed the attention of every part of the kingdom for above these twelve months, and that innumerable petitions had been presented to Parliament on the subject. He declared himself a hearty friend to the present bill, which was merely a bill of regulation, as to the mode of transporting Africans to the West Indies, and did not, in any degree, interfere with the general question which had been postponed to the next session. But were it feasible and practicable, he was ready to profess himself prepared to vote for the abolition of the slave trade altogether, and had not a doubt but the ingenuity, enterprize, and adroitness of British merchants would find out a new African trade, equally advantageous and useful, though not liable to the same objections, were an abolition of the slave trade to take place. In conclusion, the Earl of *Carlisle* remarked, that he considered the bill as the corner stone of an edifice which the Parliament

Earl of
Carlisle.

had wisely determined to erect, in honourable commemoration of their humanity ; and he trusted that he might safely venture to predict, that the ensuing session would be distinguished by the most fortunate completion of so glorious a superstructure.

Earl of
Sandwich

The Earl of *Sandwich* observed, that when matters were thrown out in debate which might make unwarranted impressions abroad, he thought it his duty to combat them, and let them at least receive an answer. He had heard it declared, that the African trade was the bane of British seamen ; and that Africa was their grave. He denied the fact. He knew from experience that a voyage to Africa was not less healthy than any other voyage. It was not the African climate that killed the seamen, but the spirituous liquors with which the Captains of the merchant ships supplied them. Their wages were, undoubtedly, great, but they took their wages in spirits, and, as they would do in any other situation of the globe, they died in consequence of drinking spirits in quantities. Several considerations deserved attention, if the general question of abolition was to be introduced. If we relinquished the slave trade, would there be one African slave less ? Most undoubtedly not. The French, whom he would not call our enemies, but our rivals they undoubtedly were, would not relinquish the trade ; and as all the seamen bred up in the African trade would be lost to this country, they would be gained by France ; thus the force of the Red Flag would be transferred to the White Flag. The Earl of Sandwich complained of our merchants having been last year allowed to supply the French islands with slaves. He ridiculed the Earl of Carlisle's idea of a new trade to Africa being likely to be discovered, as visionary and speculative, since Africa afforded merely gold dust, gums, and spices, which were packed in so small a compass, that two or three ships would be sufficient to convey the whole of those objects of commerce ; nor did he less reprobate the doctrine of a compensation, and this on the ground of impracticability ; and he asked, whether the American *Louisians*, though relieved from present misery, could be said to have been fully compensated. He admitted, that regulations were necessary, and declared he would support every proposed regulation which should appear to be wise and adequate to its end.

Earl of
Hopetoun.

The Earl of *Hopetoun* supported the bill, and said, that if it had been thought necessary to produce evidence in support of it, he was persuaded that the scruples entertained by some of their Lordships would have been effectually removed. If it were thought proper, evidence was still ready to be brought to the bar. He complimented Lord Sandwich on his knowledge of naval affairs, and said he bowed with submission to such high authority, but he could not help taking notice of
the

the arguments relative to our African merchants having been suffered to supply the French West-India islands last war, declaring, that when he considered whose duty it had been to guard against the mischiefs now stated to have produced ruinous consequences, he was perfectly astonished at hearing such an argument come from the quarter from whence it had proceeded. He spoke also of the revision of the slave laws, which the House of Assembly of Jamaica had entered upon, (as stated in the newspapers) and the new regulations which they had made for the punishment of all who killed a negro, with death; of all who maimed or personally ill treated them, with severe chastisement; and for the infliction of other punishments in proportion to the several offences committed against them. This proved that the planters were as anxious for regulation as we were; that they were determined to run the race of humanity with us; and, therefore, he trusted we should not shew less alacrity, or eagerness for reform, than they, who were so much more immediately interested in the contest. His Lordship reasoned at length, to shew that some regulation was absolutely necessary; that the bill had not originated on a sudden; that it had been long in agitation in the other House; and he was persuaded, if their Lordships thoroughly knew all the facts which characterized the African trade, they would not permit their own humanity to be scandalized so much, as to have it thought that they were willing to consent to its continuing without a regulation of some sort or other. The present bill, Lord Hopetoun contended, had no reference to the general question.

The Duke of Chandos observed that, since his entrance into the House, the paper which he held within his hand, and which had not been many hours before received from Jamaica, was given to him for his perusal. It was addressed in the form of a letter to Mr. Fuller, the agent for Jamaica, acquainting him that his correspondents in the island had received his communications of the 10th of February and the 12th of March last; that, in consequence, the negroes expected an end was to be put to their slavery; that there was the greatest reason to expect that they would rise in consequence, and that the island was in a state of great alarm and apprehension. The Duke added, that he had many more corresponding accounts, which he would not then trouble the House with, but as often as the bill was agitated in any one of its stages, he should think it his duty to warn their Lordships of the danger that any agitation of such a subject was liable to. At the same time, he trusted that their Lordships would give him credit for being as willing as any one of them to proceed to any consistent and secure length in support of humanity.

Lord Cathcart remarked, that even when the slaves were brought upon the deck, for the enjoyment of the fresh air,

Duke of
Chandos.

Lord
Cathcart

what

what little health they had was frequently exposed to violent attacks. In this situation, they became drenched by those heavy showers of rain which, in such a climate, occasioned the most noxious effects. Too generally dangerous were the consequences occasioned by a sudden transition from extreme heat to instant coolness.

Bishop of London. The Bishop of *London* desired to know what was the kind of compensation intended to be given to the African merchants whose ships had either already sailed, or were upon the coast of Africa?

Marquis Townshend. Marquis *Townshend* expressed his wishes that a due compensation would be given to those merchants who were likely to incur losses, by their ships having sailed already, and the bill's being allowed to attach on those ships. No man, he declared, could entertain a stronger dislike against what were called *ex post facto* laws than he did; and he never would consent to any such, without guarding the individuals liable to be affected by them against their danger, as much as possible. The Portuguese, who were a commercial nation, allowed but one slave to one ton; and did it become the honour of this country to be outdone by any other nation in humanity? He hoped a country so enlightened, where liberal education was so general, and men's minds had such frequent and full opportunities of being instructed, opened, and enlarged, would suffer no other nation on earth to carry on its commerce with more humanity.

Lord Sydney. Lord *Sydney* professed the highest respect for the characters of those gentlemen with whom the bill had originated in the other House, and gave them full credit for the purity of their motives; but, notwithstanding his conviction, that both the one and the other deserved every degree of confidence and esteem, he could not but confess, that he wished the humanity of the African merchants had been relied on for a few months longer, and that it had been taken for granted, that pledged as the Legislature was to discuss the general question fully next session, the merchants would not have abused their own characters so much as to have rendered themselves obnoxious to parliamentary censure, when the subject should be taken into consideration. The question of the slave trade was too serious to be frequently agitated; being once brought under discussion, it must be decided; it could not be again and again agitated with any sort of safety. He therefore wished the whole of it had been reserved entire. Adverting to the system of slave laws mentioned by the Earl of Hopetoun, Lord *Sydney* observed that they had been transmitted to his office, and from the attention he had been able to pay them, he found them so perfectly well adapted to the subject, that he did not see room for the addition of a single clause. He bestowed much panegyric upon their wisdom and promise of efficacy; and

and after mentioning an account he had received of the trial, conviction, and condemnation of a white for the murder of a negro, not by a colonial law, but by the law of England, he returned to the subject of the bill, and said, that a few months ago the humanity of the very same gentlemen, perhaps, who had brought in and supported the present bill, had prompted them to raise a subscription, as their Lordships might remember, to transport the Africans and Lascars, that were to be seen begging in every corner of almost every street, to Africa. The project was put in execution, and Captain Thompson, a most deserving officer, was entrusted with the conduct of their transportation. He had been applied to upon the subject, and had conversed with Captain Thompson both before his setting sail on the expedition; and since his return from it; and Captain Thompson had assured him, that when the Africans and Lascars arrived at the place of their destination, they expressed the utmost anxiety to be any where else; and the Africans would have rejoiced at an opportunity of escaping back to the West Indies, and to have become slaves to the planters again. The event was, the Lascars did there as in London; they laid about the woods till they perished, and the few whites, who, led by false principles of humanity, or lured by an idle spirit of adventure, had chosen to accompany them, all died after reaching the shore, almost in as little time as he had taken to state the facts, which he had learnt from Captain Thompson, whose character and veracity were as unquestionable as those of any man he ever had conversed with. Lord Sydney reasoned on those facts, and declared, that as the bill was brought in, it should receive no opposition from him, but that every difficulty they encountered, proved that it had been introduced at a wrong period, and that there was not time enough for allowing it due consideration. He concluded with observing, that the words retrospective and prospective, in his mind, comprehended all argument, and put an end to the necessity of farther reasoning, it appearing to him unanswerable, that the bill should be made prospective only.

The Earl of *Carlisle* remarked, that he could not discover how an idle tale, perhaps, of ill-placed humanity, respecting the Lascars, or possibly an injudiciously chosen place of destination for their being landed, conveyed much argument against the present bill; neither did he perceive in what manner an account from Jamaica, that if the slave trade was not abolished, (when no such question was in agitation) the negroes in Jamaica would rise, appeared at all pertinent to the question then before their Lordships. Earl of
Carlisle.

The Duke of *Chandos* defended what he had before stated, relative to the danger likely to result from the agitation of the subject, and remarked that he should think it his duty again and again to warn their Lordships upon that head. The Duke of
Chandos.

universal

universal massacre of the whites might be the consequence; and, surely, that was too fatal a catastrophe to be thought of with levity, or treated with ridicule. He must be permitted to know rather more of the West-India islands than most of their Lordships, and it was his duty to lay the result of his acquaintance with the customs of those islands before their Lordships. The negroes read the English newspapers as constantly as the ships from England came in; and from what was then doing, they would conclude their final emancipation to be at hand. Alarming consequences might therefore be apprehended to ensue.

Earl of Hopetoun. The Earl of *Hopetoun* replied, and went into the general question. He dwelt upon the new laws of regulation, subjecting whites to trial and severe punishment for the ill treatment of negroes.

Lord Rodney. Lord *Rodney* observed that he had spent four years at Jamaica, the years 1770, 1771, 1772, and 1773, and that he was present in court, when a white man was tried and convicted for the murder of a negroe, and afterwards condemned and executed. The laws, therefore, which were so much boasted of by the noble Earl, were old laws, and had existed in the West-India islands many years. He had never heard of a negroe being cruelly treated in all the time he had been in the West Indies, but had often spoken of their happiness in terms of rapture, declaring that he should rejoice exceedingly, if the English day labourer was but half as happy. He concurred with the Earl of Sandwich in his assertion, that the British seamen, employed in African voyages, were killed by the spirits which they drank, and not by the climate; and in answer to Lord Cathcart, he remarked, that the Africans on board a ship complained more frequently of cold than heat.

Marquis Townshend. The Marquis *Townshend* disdained being influenced by any reports of a probable massacre of the whites, or other ill consequences resulting, when he was doing a right thing as a legislator; nor could he suppose the negroes would be induced to rise, because Parliament was intent on granting them some relief. He should rather imagine that it would induce them to wait with patience in their situation, and begot a confidence in their minds, that what could farther be done for them, consistent with national wisdom, would be effected next session. If it were true, as the noble Lord had asserted, that the negroes in the West Indies were twice as happy as the English day-labourers, he thought such a report ought not to go abroad. Instead of rising in a few days, Parliament ought to sit all the summer, in order, at least, to put the English yeoman on a footing with the West-Indian negro slave, though perhaps the former would not feel his pride much flattered by the comparison.

The Duke of *Richmond* declared that his noble friend (the Duke of Chandos) had relieved his mind from a considerable share of doubt, by declaring that the negroes in the West India islands read the English newspapers. If they did, they would know what the British Parliament was about, and could not possibly imagine that they ought to rise, because Parliament had granted them some alleviation of their miseries. The Duke quoted the authority of Sir Charles Middleton, (the Comptroller of the Navy) to prove that some regulation was immediately necessary, and observed, that the cold complained of by the slaves was not to be wondered at, since the Africans were generally kept in so warm a state between decks, that violent gusts of air suddenly poured in upon them by means of the ventilators used on board, would naturally chill them, and create unpleasant shiverings.

Duke of
Richmond

The Earl of *Sandwich* rose again to explain a misconception of his arguments. He said that he had only risen at first to do away impressions that might be created by reasoning, which went to abolition, not to mere regulation. He had not uttered one word against the present bill. On the contrary, he was for it. He had declared that some regulation was necessary, and he would give his support to every amendment that would be proposed, and which went to make the bill likely to prove useful, without touching on the general question, which (as he had before observed) involved many deep and serious considerations. In the course of his speech, he dropped a word relative to the Lord Chancellor's expression of a five-days fit of philanthropy.

Earl of
Sandwich.

The *Lord Chancellor* rose the moment the Earl of Sandwich sat down, and said, that as his expression had been more than once adverted to, it was necessary for him to explain his meaning precisely. When the noble Earl (Lord Carlisle) had alluded to it, he had imputed it to accidental error, and had thought it unnecessary to notice the mistake; but from the mode in which the noble Earl, who spoke last, had mentioned it, he was persuaded that he had not made himself fully understood. He had not talked of a five-days fit of philanthropy, with an intention to state that he was not aware that the slave trade had been a topic of general attention throughout the kingdom for many months. No man in that House could be ignorant of that circumstance; but purely in reference to Parliament's having consented to entertain a bill, the object of which was to mar and embarrass the African merchants adventures, after it had been publicly declared by authority, in one House of Parliament, that the question of the slave trade would not be agitated at all this session, and after a gentleman, in an high confidential employment, had, by a circular letter, sent to all the parties concerned, signified the same in the most express terms.

The Lord
Chancellor.

Duke of
Richmond.

The Duke of *Richmond* professed his high regard for Mr. Steele, (the gentleman who had written the circular letter in question) declaring, that he esteemed his friendship a circumstance of peculiar honour and advantage to himself, but he could not consent to admit that the letter ought to be considered as preclusive of the right of any one of their Lordships, or of any one of the members of either House of Parliament, to bring on such a bill as the present. The bill did not affect the general question, and was such a measure as might fairly be agitated without at all shaking the validity of the declaration of Mr. Steele in his circular letter. The whole of Mr. Steele's letter ought to be taken relatively, and the last sentence, "that the parties interested might rest assured, that the question of the Slave trade would not be agitated that session," referred to the preceding part of the letter, which mentioned the general question of the Slave trade.

Lord
Chancellor.

The *Lord Chancellor* answered that the noble Duke or any other person might put what construction they pleased on the letter. He was content to take it on the construction that those persons, to whom it was addressed, gave it.—They had urged it as a plea in proof of their being surprised, after having embarked their property in an adventure, which they had been led to believe would not be broken upon; and all on a sudden they found an embargo laid upon their adventure, after they had been encouraged to risque their whole fortune upon it. He meant not to draw any argument from Mr. Steele's letter. He knew but little of Mr. Steele; the noble Duke knew more of that gentleman, from having been acquainted with him much longer. From the little that he did know of Mr. Steele, he entertained as high a degree of esteem for him, as that little would warrant. The noble Duke having known Mr. Steele so much longer, had a right to entertain more. But he meant not to influence any man's sentiments, or to rest the question on a personal allusion. From what he had seen of Mr. Steele, he knew him to be a very gentleman-like, friendly man, and a man of honour, entitled to the esteem of all who had the happiness of his acquaintance. Nor was his letter at all improper. So far from it, had he been to have written the letter, he should have expressed it in the very same words. It neither gave the parties more nor less than they had a right to expect.

Earl
Stanhope.

Earl *Stanhope* remarked that, so far from having any cause to complain of a surprise, the parties concerned could not but know, that on the very day that the consideration of the general question of the Slave trade was postponed to the next session, notice was given of the present bill.

Lord King.

Lord *King* conceived that the bill ought not to commence till some time in August or September; that, as to the retrospective law, that House could not think of it, because it could

could not be other than an act of glaring injustice. With regard to a compensation, it was out of their power to give an adequate compensation. They might, indeed, open a door to endless fraud and abuse, since, if they inserted a compensation clause, the inevitable consequence would be that the honest would not receive a sufficient payment for their losses, and the fraudulent would be considerably over paid.

The Committee proceeded to fill up the blanks, and Lord Walsingham reported the progress, and moved for leave to sit again.

The House adjourned.

A petition of Joseph Aldern, one of the Constables who attended the trial of Warren Hastings, Esq. was presented and read, complaining of his having been prosecuted by William Hyde, Esq. one of His Majesty's Justices of the Peace for the city of Westminster, and county of Middlesex, for refusing him admittance into Westminster-hall, on one of the days of trial, Mr. Justice Hyde refusing to shew a ticket of admittance to the Petitioner, which other magistrates had done, by order of Sir Peter Burrell, before they could come in. It also stated that the Petitioner had been put to upwards of 15l. expence, by defending the action, and prayed their Lordships to take the case into consideration.

Joseph Aldern was called to the bar, and examined. He was then directed to withdraw.

A motion was afterwards made, "That William Hyde, Esq. one of His Majesty's Justices of the Peace for the county of Middlesex, do attend this House upon the morrow.

The order of the day being read for the House to be put into a Committee on the farther consideration of the Slave Regulation bill, the Lord Chancellor left the woolsack, and Lord Walsingham, as Chairman of the Committee, went to the table. Their Lordships then proceeded to fill up the blanks; and at half past eight a motion was made for the Chairman to leave the Chair, who reported a progress, and asked leave to sit again.

The Duke of Chandos afterwards presented a petition from Mr. Fuller, agent for Jamaica, praying to be heard by counsel against the bill; the same was read, and ordered to lie on the table.

Duke of
Chandos.

The House adjourned.

Friday, 27th June.

William Hyde, Esq. one of His Majesty's Justices of the Peace for the county of Middlesex, attending, according to order, was called to the bar, and examined relative to the matter of complaint exhibited against him on Thursday last by Joseph Aldern, a constable attending his duty on the trial of Warren Hastings, Esq. at Westminster-hall.

The Lord
Chancellor

The *Lord Chancellor* asked Mr. Hyde, how he dared to presume to prosecute a person for executing his duty in compliance with the orders of that House? Such complaint being made against him, what could he advance in his defence.

Mr. Hyde expressed his sorrow for having incurred the displeasure of their Lordships, and endeavoured to vindicate himself by declaring, that he did not mean to enter the hall; that he had been informed of a riot, and had come down to attempt to quell it; that he wished only to pass to the Court of Common Pleas, where he had been subpoenaed; that the Constable had assaulted and struck him twice, and that if he (Hyde) had proved himself to have been on the Commission, the Constable would not have been acquitted. He said that he was so far from attempting to commit any action which might draw down upon him the displeasure of their Lordships, that he always attended upon public occasions to keep the passage clear for their Lordships, and was always to be seen in the streets when the King came to the House, keeping the passages and avenues clear from interruption to their Lordships' entrance.

The Lord
Chancellor

The *Lord Chancellor*, after telling Mr. Hyde that he might think it a lucky circumstance for himself, that the Constable had been acquitted, for otherwise his punishment would have been increased, ordered Mr. Hyde to withdraw.

Earl
Bathurst.

Earl *Bathurst* moved that Mr. Hyde be committed to the custody of the Serjeant at Arms.

It was then ordered,

“That the said William Hyde be committed to the custody of the Serjeant at Arms attending this House, for his said offence.”

The order of the day being read for the House to be put into a Committee on the bill for regulating the Slave transport regulation bill, Lord Walsingham took his seat at the table, and the Lords proceeded to fill up the blanks.

It was proposed as an amendment by Earl *Stanhope*, that five boy or girl slaves should be considered but as four full-grown slaves, and that all slaves, of the height of four feet or under, should be considered as a boy or girl slave.

Lord Lough-
borough.

Lord *Loughborough* proposed an amendment to Earl *Stanhope's*, by inserting the words “four inches.”

Earl
Stanhope.

Earl *Stanhope* opposed the amendment; upon which the House divided, Contents 12, Not Contents 6.

At eight o'clock, it was moved to report progress, and ask leave to sit again.

The motion being agreed to, Lord Walsingham reported progress, and asked leave to sit again.

Earl
Bathurst

Earl *Bathurst* adverted to the important necessity of the presence of the noble Lord on the woolstack, (Lord Thurlow) during the discussion of the bill; and added that his attendance

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ance so early as upon the day immediately following might cause his recent illness to return, and deprive that House and the country of his great abilities. He therefore thought it would be proper to postpone the going again into a Committee, until Monday. His Lordship then moved, that the Committee sit again on Monday next.

The Duke of *Richmond* urged the necessity of going on with the bill as speedily as possible, but would not press for the noble Lord's attendance the next day, if he was apprehensive the fatigue would be too great for his Lordship. His Grace wished the learned Lord would say whether he thought it would endanger his health or not; if he conceived it would not, he hoped they should proceed in the Committee upon the morrow. It would have been better, had a noble and learned Earl (Bathurst) sat some time longer on the woolsack while the bill was in the Committee, than to have called the noble and learned Lord (Thurlow) to the House so soon after his indisposition, and when the bill was so far gone on with, than to propose a day's delay.

Marquis Townshend seconded the motion of Earl Bathurst.

Earl *Bathurst* conceived what had fallen from the noble Duke (of Richmond) to be a reflection upon him for not sitting longer on the woolsack, and proceeding with the bill. His Lordship said it would have been presumption in him, worn out with age, and possessing but feeble abilities, to have sat in the noble Lord's place on the woolsack on a bill of such great importance to the nation, as the bill then before their Lordships.—He felt himself much fatigued and exhausted sitting as he had that day done; how should he then have been able to have sustained the great fatigue which must be borne by the noble and learned Lord on the woolsack.—The bill was of too great importance to pass without the assistance of the splendid abilities and exertion of the noble and learned Lord on the woolsack; it was a bill to the decision of which not only the traders and the nation were eagerly looking, but many French merchants, who, to his certain knowledge, had given daily attendance to know the event of it.

The Duke of *Richmond* replied, that he meant no reflection whatever, but had only declared his opinion that the noble and learned Lord's health would have been preserved by having delayed his attendance for a day or two more after his indisposition, than first attending, and then adjourning the business for a day.

A short conversation then commenced between Lords Hope-
toun, Stanhope, and the Lord Chancellor; after which the question was put, that the Committee sit again upon the en-
suing Monday at two o'clock, which being agreed to,

The House adjourned.

Monday, 30th June.

Earl
Bathurst.

Earl Bathurst presented a petition from Mr. Justice Hyde, praying to be discharged from the custody of the Serjeant at Arms.

The same was read at the table, and Mr. Hyde directed to be called in, and being at the bar with the Yeoman Usher of the Black Rod and the Serjeant at Arms, his Lordship observed to him, that when, on a former day, he was at the bar, he had said, that if the Constable had asked his pardon, the prosecution would not have been carried on.

His Lordship said, the Constable was then acting under the express orders of that House, and as it was to be supposed he was endeavouring to execute the orders delivered to him, therefore he (Mr. Justice Hyde) had no reason to require a submission from the Constable, nor from any other person acting in obedience to the orders of that House.

The Lord
Chancellor.

The Lord Chancellor then said, "you are discharged, upon payment of your fees."

The Peers resolved themselves into a Committee of the whole House, (Lord Walsingham in the Chair) to go through the remaining clauses of the African Negro transportation bill.

The business of filling up the blanks, and amending the several clauses was transacted in the manner of a table conversation, as is usual in all cases of a bill being in the Committee, where the debate is to be taken on the report. The Duke of Richmond, Earl Stanhope, Lord Cathcart, the Earl of Hopetoun, and the Earl of Carlisle, the Lord Chancellor, Earl Bathurst, and the Earl of Sandwich were among those of their Lordships who took part in the Committee.

Duke of
Richmond.

When the Duke of Richmond proposed his promised compensation clause, it occasioned some *audible* conversation. The clause stated, that as cases might arise, in which it might be proper to make compensation to the merchants engaged in the African trade, in consequence of the bill's attaching upon their adventures either prepared for sailing, or already sailed for Africa, certain Commissioners should be appointed under the Great Seal of England, to whom the said merchants were to apply on or before the first of August next, in order to ascertain the nature and terms upon which their claims were to be made out.

The Lord
Chancellor.

The Lord Chancellor contended against the clause as inadequate to the purposes for which it was avowedly introduced. He objected, in the first instance, to the wording of the first part of the clause, which only supposed that cases might arise, in which it might be necessary to allow compensation to the merchants concerned in the African trade. He said that every one of their Lordships must be aware that, as the bill, by retrospectively attaching upon the merchants adventures, would take

take them by surprise, and subject them to considerable loss, there would; indubitably, be many claims for damage so sustained, and that it was incumbent on Parliament to consider the satisfaction of such claims as a debt of natural justice, and provide for the same accordingly. He next wished rather to have the quota of compensation to be allowed the merchants, assessed by a jury, than by any set of Commissioners whatever, and stated his reasons for being of this opinion. He remarked that there were various possible cases which might entitle the merchant to compensation; but, for the sake of illustration, it was not necessary for him to state more than two. The one was, where the merchant's ship was not yet failed, but the outfit, apparel, and all the necessary equipment and preparation bought and ready for the voyage. In that case, taking it for granted that the bill by its operation, limited the probable profit of the adventure one sixth part, (by limiting the number of negroes to be received on board, in that proportion,) the merchant ought, in his mind, to be compensated for the sixth part of his profit so lost to him. Another case was that of the merchant, whose ship was already failed, and would have arrived at the coast of Africa, before the bill should be served upon the captain. In that case, the whole expence of the adventure having been incurred, and the Captain being by the service of the bill upon him, restrained from making the full advantage of it, the merchant had an undoubted right to a compensation from the public, adequate to the proportion of loss sustained in consequence of the loss of profit sustained in consequence of the limitation enforced by the bill. Nothing could be more easy than to ascertain the respective amounts of the compensation proper to be made in these two cases. In the first, if any man were to go upon Change at Liverpool, and ask what would be the difference of profit on an adventure to the coast of Africa in an unlimited state, where the merchant was allowed to make the most of it, (as before the bill was thought of,) or in a limited state, as prescribed by the bill, he would immediately be told the amount of that difference. And the amount of the other case was, in like manner, equally easy to be ascertained, but in both they ought rather to be left to a jury than to Commissioners; a jury being accustomed to assess damages, were, undoubtedly the best resort in cases of that nature. If Commissioners were to be the assessors of the compensation, they ought, at least, to be directed in express terms how they were to act, and not to be vested with the powers of Legislators; nor should they be limited to one meeting, as it would be impossible for the merchants to make out all their losses before the first of August; indeed they would not by that time be themselves apprized of the amount of the losses incurred by the attachment of the bill on their ships already in Africa.

The

Duke of
Richmond.

The Duke of *Richmond* remarked that if the noble and learned Lord had been equally explicit in stating his objections to the clause, when he had shewn it to him (a few days since) he should have been better prepared to have answered the noble and learned Lord's objections. With regard to the wording of the clause, he could not agree that it afforded much ground for objection. The noble and learned Lord would surely allow, that there might be cases, in which it might not be right to grant any compensation whatever. Nor did it follow, as a matter of course, that the African merchants must necessarily be losers in consequence of the operation of the bill. It was true, the number of Africans to be taken on board the ships was limited, and perhaps in the proportion of a sixth (as the noble and learned Lord had stated it) but, then, as it was expected and highly probable that the number of negroes which the bill limited the Captains to receive on board, would arrive in full health at the West-India islands, they would prove the more valuable, and fetch a larger price than heretofore, the merchant's profit therefore might not be less than it had been hitherto. With regard to the indubitable claim of the merchants to a compensation, on which the noble and learned Lord had laid so much stress, he begged their Lordships to recollect what the object of the bill was, and to remember, that the ground of it was a general understanding that the transportation of Africans from their own coast to the West Indies was so conducted at present, that from the manner of stowing them, men were necessarily subject to lose their lives. That being the case, he had a right to argue, that such a trade was illegal, and ought not to continue; because merchants had no right to carry on a trade that necessarily subjected men to lose their lives, and instead of having a claim for compensation for the loss sustained by discontinuing such a trade, deserved to be treated in a very different manner; but, he was willing to wave that argument, and to consent that a reasonable compensation should be given to them. He never could agree that a Liverpool jury were the most proper persons to decide the amount of such a compensation. In answer to the Lord Chancellor's argument that Commissioners were improper, the Duke quoted the recent practice of Parliament in appointing Commissioners to enquire into and ascertain the claims of the inhabitants of East Florida, and the American Loyalists, in order to assess the amount of the compensation to be made them for their respective losses, and assigned his reasons for deeming Commissioners to be equally proper in the present instance. With regard to their meeting a second time, he added, undoubtedly, they were to meet more than once; as often indeed as to their discretion should appear necessary. He gave the Lord Chancellor credit for meaning to make the bill as proper

per and complete as possible, and not to load it with such a degree of expence as should either render it ridiculous, or impossible to pass elsewhere.

The *Lord Chancellor* maintained that there was not the smallest analogy between the cases of the inhabitants of East Florida, and of the American Loyalists and the African merchants. In the two former cases, the parties had sustained a loss in consequence of the irresistible arm of force, during a state of actual war; whereas in respect to the African merchants, they were about to be subjected to a loss (in what had hitherto been considered as the legal profit of their traffic) on account of the public policy of the nation, which was the ground of the present bill. It was not to be expected that a vanquished country, a depressed and suffering remnant of the empire, could make good the whole amount of the losses sustained by some of its subjects, where the theatre of war was opened, and where either the sword, or the influence of the enemy, had deprived and driven them from their possessions and property. With regard to the idea, that because the number of Africans to be received on board the merchant ships, was to be limited, that therefore the Africans would arrive in better health at the West Indies, and that the market for slaves would afford a better profit in proportion to the lesser number of slaves to be sold, that presented a field to speculation so wide, that it would be impossible to govern the claims of compensation by any standard so vague and visionary. Besides, the hypothesis could not be maintained without admitting, on the one hand, that all the Africans would have arrived in full health, had there been no limitation prescribed, and contending, at the same time, on the other hand, that all the smaller number would arrive in better health, on account of the limitation; and, surely, the noble Duke would not claim a right to the benefit of the argument both ways. The Chancellor again explained his notion of directing, in explicit terms, that the compensation should be governed by the limitation of the number of Africans to be taken on board, and by the consequent diminution of the profit of the adventure in the two cases, which he had put; first, in the case of an adventure that had not failed; and secondly, in the case of an adventure already arrived in Africa. With regard to the preference which he gave to a jury over a set of Commissioners, he did not mean to fall in with popular opinions and prejudices: he disclaimed them altogether, and was perfectly aware and satisfied, that a set of honest men, acquainted with the nature of the trade, and competent to decide upon the question of compensation, would decide with equal fairness and equity, whether they were called Commissioners, or termed a jury. All he wanted was, that Parliament should of itself make the law, and in express terms declare in the act, what

what the law was, so that all the parties concerned might know it, and that it might not be left to Commissioners to make a law of their own, and provide such rules as their discretion might dictate. There was no claim, however large, which might not, by computations arbitrarily and speculatively made, be reduced so low, as scarcely to amount to any thing whatever. The clause, therefore, as proposed by the noble Duke, appeared to him to be wholly inadequate to the purpose. It held the word of promise to the ear of the African merchants, but broke it to their hope. He could not but think that a much simpler and shorter clause would be proper, stating in express terms what were to be the rules the Commissioners were to govern themselves by, in assessing compensation; nor did he at all wish for a Liverpool jury to inflame the reckoning. In the present heat and strong feelings which characterized Liverpool, this might not be proper, nor would he by any means recommend such persons as the Tribunal to assess the amount of the compensation to be made, but he wished sincerely that those who were more competent to the business than he owned himself to be, and who had apparently better informed themselves on the subject, would put his notions into some practicable shape. The Chancellor, in the course of his speech, assured the Duke of Richmond that he did him no more than justice, in giving him credit for not wishing to make the bill ridiculous or impracticable; the warmest friend of the bill could not be more anxious than he was, that the bill might go forth in such a respectable manner as not to disgrace that House in the eyes of the Public, but prove consistent with their honour; "proceed on strict principles of distributive justice, and become reconcileable to the avowed policy of the measure.

Duke of
Richmond.

The Duke of *Richmond* replied, and repeated much of his former arguments in favour of Commissioners in preference to a jury.

Earl
Bathurst.

Earl *Bathurst* supported the Lord Chancellor, and contended, that the first of August was too early a day for the merchants to be able to make out their claims by. He added, that it might be, perhaps, the second week in July, before the bill would pass, and, in all probability, we should have reached the end of the month before the merchants could be enabled to judge of their losses even here at home, much more in Africa.

The Lord
Chancellor

The *Lord Chancellor* explained himself as to the sort of clause he wished to have introduced; and observed, that one of the difficulties under which he laboured, was excessive ignorance on the subject. He was so ignorant, that though he had troubled their Lordships so much, he feared he had not made himself clearly understood. He repeated his objections

tions to any speculative mode of ascertaining the losses, and contended that the taking them, at a sixth of the profit, which was the proportion of the limitation of the number of Africans to be received on board, was the most simple, the most fair, and the most unobjectionable rule to lay down in the bill. He thought it the more necessary to render the bill as complete as possible, before they parted with it out of their hands, as he feared, in consequence of the amendments already made in the bill, it would be thrown out by the other House, and they should have all the trouble of receiving petitions, hearing the merchants, and other disagreeable circumstances, to go through again.

Earl *Stanhope* remarked, that it was not a matter of certainty that the Commons would throw out the bill, on account of their Lordships' amendments. Altering a penalty prescribed by a bill, was not always considered by the Commons as an innovation on their exclusive privileges. They had never yet laid down such a rule, and their having, in a full House, and after debate, acceded to their Lordships' amendments of the county election bill, was a proof in point. He trusted, therefore, the Commons would agree to the amendments in the present bill.

Earl
Stanhope.

The Earl of *Sandwich* recommended the withdrawing of the noble Duke's clause, in order to afford the Lord Chancellor an opportunity of bringing down a clause, another day, to vest the power of assenting the compensations to be made the merchants for their losses, in a jury. The resorting to that popular and favourite jurisdiction, the Earl contended, would be agreeable to all parties, and put an end to difference of opinion.

The Earl of
Sandwich.

At length, after the Duke of Richmond had, for the third time, enforced his arguments in favour of the clause he had introduced, the Committee divided;

Contents (for the Duke's clause) 14; Not Contents, 12.

Earl *Bathurst* then said, as the Committee had with great industry gone through the bill, and made numerous amendments, he moved, "That the bill be printed with the amendments." Ordered.

Earl
Bathurst.

The House adjourned.

The preceding was the last debate, in the course of the session, and on

Friday, 11th July,

The King came to the House, and made a most gracious speech from the throne to both Houses of Parliament, as followeth, viz.

“ My Lords and Gentlemen,

“ IN the present advanced season of the year, and after
“ the laborious attendance which the public business has re-
“ quired of you, I think it necessary to put an end to the
“ present session of Parliament. I cannot do this, without
“ expressing the satisfaction with which I have observed the
“ uniform and diligent attention to the welfare of my peo-
“ ple, which has appeared in all your proceedings.

“ Gentlemen of the House of Commons,

“ The cheerfulness and liberality with which you have
“ granted the necessary supplies, demand my particular ac-
“ knowledgements. It must afford you the greatest satisfac-
“ tion, that you have been enabled, without any addition
“ to the burdens of my people, to provide for the extraor-
“ dinary exigencies of the last year, in addition to the cur-
“ rent demands of the public service, and to the sum annu-
“ ally appropriated to the reduction of the national debt.

“ My Lords and Gentlemen,

“ I see with concern the continuance of the war between
“ Russia and the Porte, in which the Emperor has also taken
“ a part. But the general state of Europe, and the assurances
“ which I receive from foreign powers, afford me every
“ reason to expect my subjects will continue to enjoy the
“ blessings of peace.

“ The engagements which I have recently entered into
“ with my good brother the King of Prussia, and those with
“ the States General of the United Provinces, which have
“ already been communicated to you, are directed to this
“ object, which I have uniformly in view; and they will,
“ I trust, be productive of the happiest consequences in pro-
“ moting the security and welfare of my own dominions, and
“ in contributing to the general tranquillity of Europe.”

And afterwards, the Lord Chancellor, by His Majesty's
command, said,

“ My Lords and Gentlemen,

“ It is His Majesty's royal will and pleasure, that this Par-
“ liament be prorogued to Thursday, the 25th day of Sep-
“ tember next, to be then here holden; and this Parliament
“ is accordingly prorogued to Thursday, the 25th day of
“ September next.”

